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ROYAL COMMISSION OF INQUIRY INTO CERTAIN  
DEATHS AT THE HOSPITAL FOR SICK CHILDREN AND  
RELATED MATTERS.

Hearing held  
8th floor  
180 Dundas Street West  
Toronto, Ontario

The Honourable Mr. Justice S.G.M. Grange

Commissioner

P.S.A. Lamek, Q.C.

Counsel

E.A. Cronk

Associate Counsel

Thomas Millar

Administrator

Transcript of evidence  
for

March 28, 1984

VOLUME 122

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ROYAL COMMISSION OF INQUIRY INTO CERTAIN  
DEATHS AT THE HOSPITAL FOR SICK CHILDREN  
AND RELATED MATTERS.

Hearing held on the 8th Floor,  
180 Dundas Street West, Toronto,  
Ontario, on Wednesday, the 28th  
day of March, 1984.

THE HONOURABLE MR. JUSTICE S.G.M. GRANGE - Commissioner  
THOMAS MILLAR - Administrator  
MURRAY R. ELLIOT - Registrar

APPEARANCES:

E. CRONK	Commission Counsel
D. HUNT )	Counsel for the Attorney
L. CECCHETTO )	General and Solicitor General
	of Ontario (Crown Attorneys
	and Coroner's Office)
I.G. SCOTT, Q.C. )	Counsel for The Hospital
M. THOMSON )	for Sick Children
R. BATTY )	
B. PERCIVAL, Q.C. )	Counsel for The Metropolitan
D. YOUNG )	Toronto Police
W.N. ORTVED	Counsel for numerous Doctors
	at The Hospital for Sick
	Children
B. SYMES	Counsel for the Registered
	Nurses' Association of Ontario
	and 35 Registered Nurses at
	The Hospital for Sick
	Children

(Cont'd) ..






APPEARANCES (Cont'd):

D. BROWN	Counsel for Susan Nelles - Nurse
E. FORSTER	Counsel for Phyllis Trayner - Nurse
J.A. OLAH	Counsel for Janet Brownless - R.N.A.
B. KNAZAN	Counsel for Mrs. M. Christie - R.N.A.
S. LABOW	Counsel for Mr. & Mrs. Gosselin, Mr. & Mrs. Gionas, Mr. & Mrs. Inwood, Mr. & Mrs. Turner, Mr. & Mrs. Lutes, and Mr. & Mrs. Murphy (parents of deceased children)
F.J. SHANAHAN	Counsel for Mr. & Mrs. Dominic Lombardo (parents of deceased child Stephanie Lombardo); and Heather Dawson (mother of deceased child Amber Dawson)
W.W. TOBIAS	Counsel for Mr. & Mrs. Hines (parents of deceased child Jordan Hines)
J. SHINEHOFT	Counsel for Lorie Pacsai and Kevin Garnet (parents of deceased child Kevin Pacsai).

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VOLUME 122

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E R R A T A

Volume	Page	Line	Discrepancy
119	7019	16	Should read: "I think between 8:30 and 10."
	7208	13	Should read: "Yes."
	7228	18	" .. she did become .. " should read: "... she did not become .."
120	7239	3	"parent" should be "pantry"
	7293	11,13	Heibut should be Heilbut.
	7301	10	"Moran" should be "Morrin".





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DM.jc

A

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2

--- On commencing at 10:00 a.m.

3

MARIANNA CHRISTIE, Resumed

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THE COMMISSIONER: Yes, Mr. Brown, I think you are next.

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MR. BROWN: Yes, Mr. Commissioner.

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Sir, before we start I thought, if I might make one comment. There was a report on the CBC radio this morning, and you may not listen to that station and if that is the case there is no need to make this comment. The announcer stated that during the course of argument yesterday in the Court of Appeal, Mr. Sopinka indicated that he would be seeking an adjournment of this session until the release of the Decision of the Court of Appeal. That report is inaccurate. During the course of argument the Chief Justice asked Mr. Sopinka whether the Decision of the Court of Appeal would have any effect on the forthcoming testimony of Miss Nelles and Mrs. Trayner. Mr. Sopinka indicated that Miss Nelles was being called to testify before the Inquiry next Monday, that it was his preference the Reasons for Judgment be released before that time but in any event it was not his intention to seek an adjournment of this Inquiry pending release of the Decision of the Court of Appeal. I simply wanted to clarify





A.2

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that point for you.

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THE COMMISSIONER: Thank you very  
much, Mr. Brown

5

CROSS-EXAMINATION BY MR. BROWN:

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Q Mrs. Christie, my name is  
Brown and I act for Miss Susan Nelles. You have  
indicated to us that from approximately the spring of  
1980 to until the time of arrest of Miss Nelles in  
March 1981, you had an opportunity to work with her  
on the same nursing team, is that accurate?

11

12

13

14

A. That is correct, yes.  
Q And during the course of that  
period of time I take it you had the opportunity to  
observe Miss Nelles caring for children and  
administering nursing care to various children?

15

16

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A. Yes.  
Q Am I safe in saying that?  
A. Yes.  
Q And on the basis of your  
observations, what opinion did you form as to Miss  
Nelles' abilities as a nurse?  
A. Well she was pleasant in manner,  
polite, frankly, and a good nurse.

Q And in addition to her abilities  
as a nurse, I take it from what you have said there





A.3

1

2

was a fairly good working relationship between you

3

4

A. Yes.

5

Q. And from your observations did

6

she seem as to get along pretty well with the other

7

children in the ward?

8

A. Yes.

9

Q. I want to ask you a few questions

10

on two babies, the first is Baby Allana Miller and

11

the second is Baby Justin Cook.

12

A. Yes.

13

Q. If I could first ask you

14

about Allana Miller. Would you please refer to the  
notes which your daughter typed which were based on  
your handwritten notes and they are Exhibit 386?

15

A. Yes.

16

Q. Your description of the events

17

of the night of Friday, March 20th, start at the

18

bottom of that page, and you have been taken through

19

that portion many times before and I would simply

20

like to go over it once again. The third line from

21

the bottom, a sentence commences:

22

"Shortly before the baby arrested

23

Phyllis and I had been in the room."

24

And I take that to mean Allana Miller's

25

room?





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A. Right.

Q. "Baby Allana started choking and Phyllis sat her up and I started to talk to her and she gave us a smile."

I take it those events occurred before the child got into difficulty?

A. Right, yes.

Q. On the top of the second page you then indicate:

"A half hour later the baby arrested. While this was occurring Baby Cook was crying so I held and rocked him but it didn't seem to help."

And then you describe going to Mrs. Trayner and seeking her guidance. Questions have been asked of you what you meant by the word "this", and I believe the last day Mr. Knazan asked you what you meant by "this" and you said, and you can correct me if I am wrong, that "this" referred to when Allana Miller got into difficulties.

A. Correct, yes.

Q. But it was before you heard the actual arrest being called?

A. That's right.





A. 2

1  
2  
3 Q Am I safe in saying then that  
4 while Allana Miller was in difficulties it was at  
5 that time that you rocked Baby Cook, that you heard  
6 him cry and you rocked him and you fed him, and you  
7 were aware when you were doing that that Allana Miller  
8 was encountering some difficulties?

9 A Correct.

10 Q Now I believe you said that  
11 perhaps you initially went into Allana Miller's room  
12 when the Code 25 was called, but you had no further  
13 involvement in the child's arrest?

14 A That's right.

15 Q And you were not present at  
16 the time the child died?

17 A No.

18 Q You were not involved in the  
19 post mortem events on the child, cleaning up the room  
20 and preparing the child?

21 A No.

22 Q After the death of the child  
23 you saw Miss Nelles at a later period of time that  
24 morning, did you not?

25 A That's right.

Q And when did you see her?

A Maybe half an hour or even later





A. 6

1  
2 after she passed away.

3 Q And what did you see her doing?

4 A I just don't recall, I only  
5 remember later when she took the baby to see the  
6 parents, Allana's parents came, and she took the baby  
7 and took it to the parents.

8 Q That is the first time you saw  
9 her after the child had died?

10 A Right.

11 Q And I believe there is a quiet  
12 room at the end of the ward where you can take a child  
13 and the parents can view the child after the child's  
14 death.

15 A That's right, yes.

16 Q And that is what you saw Miss  
17 Nelles doing?

18 A Yes.

19 Q And when you saw Miss Nelles  
20 at that time how did she appear to you?

21 A Well, she was composed, calm.

22 Q Is that the way you would expect  
23 a nurse to be, as a nurse is preparing to show the child  
24 to the parents after death?

25 A Yes.

Q You would not expect a nurse





A.7

under those circumstances to be greatly emotional or cheerful, would you?

A. No.

Q. A nurse would have to try and be as calm and composed as she could be notwithstanding whatever she felt inside?

A. Right.

Q. If I can turn then to Baby Justin Cook and the events the night that child died. Am I correct that your testimony to date has been that around 3 o'clock on the Sunday morning you took your break at the nursing station?

A. Right.

Q. And at that time at the nursing station you saw, amongst others, Susan Nelles?

A. Yes.

Q. And that is a memory which is fixed in your mind?

A. Yes.

Q. And you were present at the nursing station for some period of time taking your break?

A. Right.

Q. During that period of time Miss Nelles was present there also?





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A. Yes, she was.

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Q. And it is your recollection that some time later, and I think at one point you said around perhaps 3:30 or 3:40 somewhere around there, although you were not precise, you returned to Room 418?

A. Right, yes.

Q. And do you recall Miss Nelles and Miss Brownless returning with you?

A. That is right, yes.

Q. When you went into Room 418 do you recall seeing Mrs. Trayner?

A. Yes.

Q. Mrs. Trayner was the only person in the room?

A. Right.

Q. And she was caring for Justin Cook?

A. She was sitting next to Justin Cook's bed, yes.

Q. And when the three of you entered the room at that point Miss Nelles was coming back to care for Cook, and am I correct in saying that Mrs. Trayner, her duties at an end, left?

A. Right.





A. 2

Q Do you also recall Miss Brownless asking Miss Nelles to care for one of her children?

A Yes, that was still while we were at our break at the nursing station. She asked at that time if she could feed one baby for her.

Q And after your break and when you went back in the Room 418.

THE COMMISSIONER: I am sorry, it was Janet Brownless asked Phyllis Trayner?

THE WITNESS: No, she asked Miss Nelles.

THE COMMISSIONER: Oh, asked Miss Nelles?

THE WITNESS: Yes, that's right, if she could feed that baby for her, for Janet Brownless.

THE COMMISSIONER: I'm sorry.

THE WITNESS: If Susan Nelles could feed that baby for Janet Brownless.

THE COMMISSIONER: Yes.

MR. BROWN: Q It was your understanding that Miss Brownless was asking Miss Nelles to do that after the break?

A Right.

Q The three of you after the break went back into Room 418?

A Correct.





A. 1.

1

2

Q. Mrs. Trayner left?

3

A. Yes.

4

Q. Did you see Miss Brownless give one of her children to Miss Nelles for care, for feeding?

5

6

A. No. I believe I took signs on my baby in that room, I had a baby in that room too, and later I only saw Susan Nelles taking that particular baby out of the crib and she wanted to feed that baby and I left the room, so I don't know anything more.

7

8

Q. Before you left the room you saw Susan Nelles take a child out of the crib?

9

A. Yes, that's right.

10

Q. And that was one of the children assigned to Miss Brownless?

11

12

A. Right.

13

Q. Do you recall where that child's crib was located?

14

15

A. Yes, the first crib on the right-hand side next to Justin Cook's bed.

16

17

Q. One of the cribs right beside Justin Cook's bed?

18

A. Right.

19

20

Q. And you saw Miss Nelles actually

21

22

23

24

25





A. 11

1  
2 take the child out of the crib?

3 A. I just saw her attempting,  
4 trying to take it out, trying to take it out, I had  
5 not seen her taking it out, just trying to take it  
6 out

7 Q. You didn't see her do anything  
8 else with that child?

9 A. No.

10 Q. At that point you left the room?

11 A. Right.

12 Q. And the next thing you recall  
13 is hearing the Code 25 for Justin Cook?

14 A. Not right away, because after  
15 that I went to Room 421. I had two babies in that  
16 room too and I had to take signs on those babies and  
17 also feed them, so it would take me a little while.

18 Q. Somewhere around half an hour?

19 A. Could be.

20 Q. It could be a bit more?

21 A. Could be, right.

22 Q. It could be a bit less?

23 A. I don't think so, I could do it  
24 in less time to feed the two babies.

25 Q. It is your recollection that  
what you heard was the Code 25 being called?





A. 22

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A. That's right.

Q. Do you not recall hearing the  
Code 23?

A. No.

Q. Nor do you recall hearing the  
emergency buzzer beforehand?

A. No.

Q. I'm sorry, I didn't want to  
interrupt you.

A. I only heard 25.





P/ak

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Q. And when you heard the  
Code 25 you then went to Room 418?

A. That is right.

Q. And the arrest events were  
in progress?

A. Yes.

Q. And subsequently the child  
died?

A. Yes.

MR. BROWN: Thank you, Mrs. Christie.  
Those are all the questions I have.

CROSS-EXAMINATION BY MS. FORSTER:

Q. Mrs. Christie, my name is  
Elizabeth Forster and I am here on behalf of  
Phyllis Trayner. You indicated you worked on the  
Trayner team from the time the Cardiology Ward  
opened on 4A and 4B.

A. Correct.

Q. Before that you and Phyllis  
Trayner were on Ward 5A?

A. Yes.

Q. Do you regard her as a  
competent nurse?

A. Yes.

Q. Was she the type of person





1

2

who showed concern for the patients in her care?

3

A. Yes.

4

Q. I wanted to ask you a bit

5

about the evening that the Baby Estrella died. I

6

asked you indicated that you took your coffee

7

about that night some time around 10:30 or 11:00.

8

A. Estrella, yes, right.

9

Q. And you took your coffee

10

break at the nursing station?

11

A. Right.

12

Q. And you said that with you

13

at the nursing station was Mrs. Trayner, Bertha

14

and Janet Brownless?

15

A. Right.

16

Q. I believe you also indicated

17

that at about 10 minutes after you arrived Sui Scott

18

came down to the nursing station and had a cup of

19

coffee?

20

A. Yes, she did.

21

Q. You indicated that she stayed

22

at the nursing station with you for about 10 minutes.

23

A. Right.

24

Q. Can you tell me where all

25

the nurses were at the nursing station at this time?

26

A. We got two tables so we have

27

28

29





1  
2  
3 been just sitting all around those tables.

4 Q. Is this back of the nursing  
station?

5 A. Yes.

6 Q. And while you and Mrs. Scott  
7 Janet Brownless and Mrs. Trayner were at the  
8 nursing station having your break, do you know of  
9 anybody who was with Baby Estrella?

10 A. No, I do not know.

11 Q. I would like to show you 4A  
12 assignment book which is Exhibit 32A, Tab 13,  
13 page 39. This indicates the assignment book for  
Saturday, January the 10th.

14 A. Right.

15 Q. Would you agree with me that  
16 the 4A nurses on duty that evening was Mrs. Trayner?

17 A. Yes.

18 Q. Mrs. Scott?

19 A. Yes.

20 Q. Yourself?

21 A. Yes.

22 Q. And Miss Brownless?

23 A. Yes.

24 Q. So if you saw Mrs. Trayner,  
25 Mrs. Scott and Miss Brownless out at the nursing





1  
2  
3 station having coffee with you, that would be the  
4 whole 4A team out there at the same time, would it  
5 call

6  
7 A. Right.

8 Q. And while you are all out  
9 at the nursing station, it was quite conceivable  
10 that Janice Estrella was left alone in her room  
11 for that 5 or 10 minute period?

12 A. Right.

13 Q. During that time will you  
14 agree with me that anybody could get into that  
15 baby's room without the four of you knowing about it?

16 A. Right.

17 Q. You also indicated to  
18 Miss Cronk by the time that Kristin Inwood died  
19 you were aware that there had been another rash  
20 of deaths on the Cardiology Ward during the month  
21 of March. Do you recall that evidence?

22 A. Yes.

23 Q. You said that you thought  
24 perhaps the children you were seeing on the fourth  
25 floor were sicker than they had been on Ward 5A.  
Do you recall that?

A. Yes, I do.

Q. Was that in fact a perception





1  
2 you held, you yourself, that you were seeing  
3 sicker babies?

4 A. Yes.

5 Q. Were you yourself looking  
6 after sicker babies on Wards 4A and 4B than you  
7 had been on Ward 5A?

8 A. I did not look after very  
9 sick babies - in 418 I usually looked after sick  
10 babies.

11 Q. Did you notice any difference  
12 in the condition of the babies you were looking after  
13 on the fourth floors as opposed to the fifth floor?

14 A. Yes, they had been sicker.

15 Q. And the babies you were  
16 looking after tended to be sicker than the ones  
17 you looked after on the fifth floor?

18 A. Yes.

19 Q. Did you find your work  
20 load heavier on the fourth floor?

21 A. Much heavier.

22 Q. In what sense was it heavier?

23 A. You got more patients to  
24 look after. It was different than on 5A.

25 Q. I also wanted to ask you about  
your evidence regarding Baby Cook. You indicated





1  
2 to Miss Cronk that after you took your break the  
3 that Justin Cook arrested, you went into the  
4 found the drapes drawn around Justin Cook's  
5 do you recall that evidence?

6 A. Yes, I do.

7 Q. Can you tell me, are there  
8 different drapes or just one drape that pulls  
9 all around the two sides of the bed?

10 A. Two different drapes.

11 Q. Both starting from the head  
12 of the bed?

13 A. Right.

14 Q. Were the drapes drawn around  
15 the foot of the bed when you saw them?

16 A. I saw them drawn from one  
17 side but you could still see the bed. From both  
18 angles you could see about more than a foot. They  
19 had not been drawn altogether.

20 Q. Were they drawn out on both  
21 sides?

22 A. Yes.

23 Q. Do you recall how far out they  
24 were drawn?

25 A. About more than a foot.

Q. They were drawn out more than





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a foot or less --

A. You could see from one side there is a foot and from the other side as well.

Q. I'm having a little difficulty understanding your answer. If you pull out the drape, can you tell me how far out it would pull?

A. It was just almost all the way except maybe one foot.

THE COMMISSIONER: I think if I understand what Mrs. Christie was trying to say, it was not closed.

THE WITNESS: Correct.

THE COMMISSIONER: You can only draw them. You don't draw them any further out from the bed. They just go around the bed, they have a track to follow.

MS. FORSTER: Q. And they were not drawn around the foot of the bed?

THE COMMISSIONER: A foot - that is the old non-metric measurement?

THE WITNESS: Maybe 50 centimetres - do we go by that?

MS. FORSTER: No.

THE COMMISSIONER: You are ahead of your time.





1

2

MS. FORSTER: Q. I take it the  
drapes did not block the window that went from  
the baby's room into the nurses station?

A. The window was just about --  
they did not -- just go on both sides.

Q. So they did not impair the  
vision through the window?

A. No.

Q. Where was Mrs. Trayner sitting?

A. She was sitting between the  
cribs closer to the door.

12 Q. She was sitting where?

13 A. Between Justin Cook's crib  
14 and another baby just between the two cribs, sitting  
15 in there.

16 Q. Between the two cribs closer  
17 to the door?

18 A. Right.

19 Q. Was she sitting outside the  
curtain?

20 A. Yes.

21 Q. And if one stood at the doorway  
22 could you see clearly what Mrs. Trayner was doing?

23 A. You probably could, yes.

24 Q. And what was she doing?

25





1  
2 A. When I came I saw her just  
3 sitting there.

4 Q. Do you know when the drapes  
5 drawn around the bed?

6 A. No, I don't know. I only  
7 er, that is my recollection, when I came back  
8 from my break that those drapes had been drawn.  
9 That is all I remember.

10 Q. Is it possible they were  
11 drawn before you went on your break?

12 A. Not to my knowledge.

13 Q. Is it possible?

14 A. It is possible, but I don't  
15

16 Q. Were you aware that the  
17 baby had been fretful that evening?

18 A. Very sick you mean?

19 Q. Fretful, difficult to settle  
20 down?

21 A. I noticed the baby was sleeping  
22 every time I went into the room, that baby had been  
23 sleeping quietly. Of course I was not there all  
24 the time. I had two more rooms to look after but  
25 each time I remember he was quiet, he was sleeping.

Q. Do nurses sometimes draw the





1  
2 drapes around the bed to keep the light out of the  
3 eyes when they are fretful?

4 A. Sometimes they do.

5 Q. And I take it that when you  
6 walked into the room you could see the crib through  
7 the open part of the drapes. Is that correct?

8 A. Yes.

9 Q. If anyone had been behind the  
10 curtains you would have been able to see that,  
11 could you not?

12 A. Yes.

13 Q. Lastly I wanted to ask you  
14 about these pills in the salad incident that you  
15 told us about.

16 A. Yes.

17 Q. I understand from your  
18 evidence that when this incident occurred you  
19 were sitting at a table at the nursing station and  
20 Mary Lynne Barnett was also at your table?

21 A. Right.

22 Q. And those tables, are they  
23 at the back of the nursing station?

24 A. At the back, yes.

25 Q. And there are two tables?

A. Yes.





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2  
3 Q. And you said at the other  
4 table there was Phyllis Trayner and Miss Halpenny  
5 and Miss Reaper?

6 A. I believe so, yes.  
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Q. All right. And later Sui Scott came in and sat down at the Phyllis Trayner table.

A. Not right - Sui Scott came and Phyllis offered her some of her soup.

Q. Well. All right. I don't want to get into the offering of soup yet, but who came to the table first, Phyllis Trayner or Sui Scott?

A. Phyllis Trayner came first.

Q. All right. Then Sui Scott came and she sat at the same table?

A. Right.

Q. The table with Phyllis Trayner and Halpenny and Reaper?

A. Right.

Q. How far apart are these two tables? In feet or inches?

A. Maybe 3 feet or maybe 1 metre or whatever.

Q. About 3 feet?

A. Yes.

Q. And where were you sitting at your table?

A. I had been sitting at the





1  
2 table close to 4A side. On the west side.

3 Q. Is that the - would you be  
4 facing 4A or 4B?

A. 4B. Facing 4B.

6 Q. Is that also facing the  
7 other table?

8 A. Oh, yes, facing the other  
9 table too.

10 Q. All right. You indicated  
11 that once Mrs. Scott sat down that Phyllis Trayner  
12 offered her some of her soup.

12 A. Right.

13 Q. And I believe you also  
14 indicated before Mrs. Scott left the table you  
15 didn't think that she had had any of her salad?

15 A. No. No.

16 Q. She hadn't had any of her  
17 salad?

18 A. Not to my knowledge, no.  
19 Not that I had seen.

20 Q. If Mrs. Scott testified that  
21 she had in fact eaten some of her salad you wouldn't  
22 dispute that, would you?

22 A. No.

23 Q. Now I want to read to you a  
24  
25





Christie, cr.ex.  
(Forster)

1  
2 short passage from the evidence you gave last day.  
3 I don't think you need a copy of the transcript  
4 for this, but if you have difficulty following me,  
5 let me know and I will give you a copy. I am reading  
6 from Volume 121, page 7695 where you are describing  
7 what happened when the pills were discovered.

8 A. Yes.

9 Q. And Miss Cronk asked you  
10 what happened next and you said:

11 "A. When Phyllis was still playing  
12 with her soup, then she notices some  
13 tablets in her soup or something,  
14 and stood up, right away and went to  
15 Sui's salad right away and took a  
16 fork and looked in the salad under-  
17 neath, like in the bottom, and then  
18 she discovered some orange tablets,  
19 like broken tablets. So she showed  
20 them to us. So we looked, and I  
21 looked, and I said they looked like  
22 vitamin C, you know, vitamin C is  
23 orange coloured."

24 Do you recall that evidence?

25 A. Yes, I do.

Q. First of all you indicated





1  
2 that Mrs. Trayner was playing with her soup and  
3 hadn't eaten any before the pills were discovered.

4 A. Yes.

5 Q. And again if Mrs. Trayner  
6 testified that she had in fact tried some of her  
7 soup, would you have any reason to dispute that?

8 A. I hadn't seen her eating.

9 Q. But if she --

10 A. I hadn't seen her eating  
11 anything.

12 Q. What were you doing at the  
13 time all this was going on?

14 A. I had been eating my lunch  
15 too.

16 Q. So you weren't sitting there  
17 just staring at the other table?

18 A. No, but I could see everything  
19 that was going on.

20 Q. It is possible that  
21 Mrs. Trayner had eaten some of her soup, isn't it?

22 A. I hadn't seen that she had  
23 eaten some of her soup, no.

24 Q. If you were eating your lunch  
25 as well you didn't have your eyes constantly fixed  
on Mrs. Trayner or anybody else at the other table,





1  
2 did you?

3 A. Right, but I hadn't seen her  
4 eating any of her soup, no.

5 Q. No, I understand you didn't  
6 see her. All I am saying is it is possible she  
7 could have eaten some of her soup because you  
8 weren't staring at her the whole time she was  
9 sitting there?

10 A. No, but I had been watching  
11 all the time and she was just stirring her soup  
12 with a spoon, that's all. She didn't eat anything,  
13 no.

14 Q. You would put your head down  
15 to eat your lunch, wouldn't you?

16 A. No. I was just eating and  
17 keeping talking and so --

18 Q. Well, if you are eating your  
19 lunch and you are talking to other people, you are  
20 not constantly focusing your attention on what is  
21 going on at the next table?

22 A. Not - but that's all, I mean  
23 I had been watching her and she wasn't eating, no.

24 Q. Well, were you constantly  
25 staring at Mrs. Trayner?

26 A. Not constantly, but that's  
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what I know.

Q. Well, if you weren't constantly staring at her it is possible she had eaten some of her soup when you weren't looking?

A. Maybe she did but I haven't seen that.

Q. You also had indicated Mrs. Trayner had been complaining about the fact that her soup was cold. Do you recall that?

A. Yes.

Q. And I suggest to you she wouldn't have been able to complain about cold soup unless she tasted some, would she?

A. Maybe she could feel also the bowl wasn't warm; wasn't hot.

Q. Well if she felt the bowl was cold she probably wouldn't have offered some to Mrs. Scott, would she?

A. Probably, I don't know, but she offered her some soup, yes.

Q. I put it to you that common sense dictates that before she complains about her cold soup she would have tasted the cold soup?

A. Yes, she would.





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Q. Okay. You also indicated in that passage that I read that "Phyllis noticed some tablets in her soup, or something."

How did you know what Mrs. Trayner saw in her soup?

A. She told us. I haven't seen those tablets, no, only that is what Phyllis Trayner said.

Q. Before she told you that, though, you had no idea that she saw anything particular in her soup, did you?

A. Right.

Q. Okay. And you then indicated that Mrs. Trayner stood up and she went over to Mrs. Scott's salad?

A. Yes.

Q. And did you hear Mrs. Scott before she left to tell Mrs. Trayner to help herself to the salad?

A. No. No.

Q. Okay. If she had there would be nothing unusual in Mrs. Trayner getting up and helping herself to some of the salad, would there?

A. Right.

Q. And after Mrs. Trayner





1  
2 discovered the pills in the soup and the salad,  
3 what was her reaction?

4 A. She was upset. She started  
5 to cry.

6 Q. And what was Mrs. Scott's  
7 reaction when she discovered the pills in the  
8 salad?

9 A. She was upset too.

10 MS. FORSTER: Thank you very much,  
11 Mrs. Christie. Those are all my questions.

12 THE COMMISSIONER: Miss Cecchetto.

13 WITNESS EXAMINATION BY MS. CECCHETTO:

14 Q. Mrs. Christie, my name is  
15 Lucy Cecchetto and I appear on behalf of the  
16 Attorney General and the Crown Attorneys and the  
17 Coroners.

18 A. Yes.

19 Q. I would like to ask you a  
20 little bit more about the pattern that you noticed  
21 in November, December. Now you have been a nurse  
22 for approximately - a registered nursing assistant  
23 for approximately 24 years. Correct?

24 A. Right.

25 Q. And at least for 14 of those  
26 24 years you have been involved in pediatric





1  
2 cardiology?

3 A. Yes.

4 Q. Right. So you indicated that  
5 as of November and December you became aware of an  
6 increased number of deaths on Ward 4A?

7 A. Yes.

8 Q. And it was a pattern you had  
9 never observed in your 24 years of nursing - of  
10 your assistantship; correct?

11 A. Right.

12 Q. And it was definitely a  
13 pattern that you have never observed during your  
14 14 years in cardiology?

15 A. Yes.

16 Q. And you indicated it was  
17 upsetting to you?

18 A. Yes, it was.

19 Q. And it was upsetting to  
20 everybody else on the ward?

21 A. Yes.

22 Q. And it was a matter of  
23 general conversation?

24 A. Yes.

25 Q. You indicated you tried to  
understand why it was happening, why there were so





Christie, cr.ex.  
(Cecchetto)

1  
2 many deaths?

3 A. Yes.

4 Q. And you cast around in your  
5 mind for a reason?

6 A. Yes.

7 Q. And the reason that presented  
8 itself was that perhaps you were dealing with  
9 sicker babies?

10 A. Yes.

11 Q. But I suggest to you that  
12 although you felt you were dealing with sicker  
13 babies you were still concerned that it still seemed  
14 to be restricted to that single team; is that  
15 correct?

16 A. Yes.

17 Q. And also that it seemed to  
18 be restricted to certain hours at night?

19 A. Right.

20 Q. And so you continued to be  
21 puzzled I suggest notwithstanding you looked around  
22 for a reason?

23 A. Yes.

24 Q. Now we have heard from a  
25 number of witnesses that this pattern of the night-  
time hours were so well defined that they began to





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watch the clock and if they reached 3 or 4 o'clock without having an arrest they would breathe a sigh of relief. Did you do that too, Mrs. Christie?

A. No, I wasn't aware of that,  
no

Q. You weren't aware of that?

A. No.

Q. But you were aware that it generally occurred after - at a certain time of night. Were you aware of the fact that it generally occurred after the nurses had had some breaks?

A. Yes. Right.

Q. Did it ever come to a point, Mrs. Christie, where you were concerned about going to work because you knew that there would probably be an arrest that night or there would probably be a problem?

A. I just thought maybe those babies are very sick and they be much smaller and younger than those we had on 5A so I just thought maybe they are just sicker, that's all.

Q. But you were concerned and you still had a lot of questions --

A. Yes.

Q. -- that were unanswered?





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A. Oh, yes.

Q. Now when you discussed this  
the ward did it appear to you that anybody  
discussed the matter more than anybody else? Was  
there any particular person who talked about these  
arrests more than anybody else?

A. Well, I think the nurses  
have been talking about it, all the nurses, yes,  
have been talking about these babies, yes.

Q. Was there anybody who stood  
Did anybody talk about it more than the others?

A. I think Phyllis Trayner,  
yes, she did.

Q. And do you remember generally  
what Phyllis Trayner said, or did she just express  
the concerns that the other nurses were expressing?

A. Yes, that was her concern,  
about the other nurses, too.

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Q. Now, if we could go to the incident with the soup and the salad. If I could ask you first, Mrs. Christie, you have indicated that there were two tables in the nursing station that night?

A. Right.

Q. And your evidence from the last day was that at one table Phyllis Trayner was seated there?

A. Yes.

Q. Miss Halpenny?

A. Yes.

Q. Mrs. Scott joined them later on?

A. Yes.

Q. And Mrs. Reaper?

A. I believe so, yes.

Q. And at the second table you were seated with Mrs. Barnett?

A. Right.

Q. Do you remember where people were seated in the first table, at the Phyllis Trayner table, do you remember what the seating arrangement was?

A. Phyllis Trayner was sitting at the north end of the table on "B" side.

THE COMMISSIONER: At the north --





D.2

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3 THE WITNESS: At the north, that's  
4 right, near the window, closest to the window, the  
5 north side.

6  
7 THE COMMISSIONER: The north side?  
8 That is the north side, that would be the one away  
9 from the entrance, is that right?

10 THE WITNESS: Right, yes.

11 THE COMMISSIONER: And she was  
12 closest to the window, that would be closest to the  
13 window?

14 THE WITNESS: No, closest to 431, she  
15 sitting on "B" side.

16 THE COMMISSIONER: Oh, "B" side.

17 THE WITNESS: That's right, the "B"  
18 side table, not on the "A" side.

19 MS. CECCHETTO: Q And where was  
20 Miss Halpenny sitting?

21 A Closest to her, she would be  
22 sitting on the east side of the table.

23 Q And Mrs. Scott, when she joined  
24 them?

25 A She put her salad close to Miss  
Halpenny, but she left, she wasn't there all the time,  
she left, she came and put her salad and she had to go.

Q I understand that. Could you





D. 3

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tell us where she was in relation to Mrs. Trayner?

3

A. She was on the east side before  
Miss Halpenny.

4

THE COMMISSIONER: Before, you mean  
closer to?

5

THE WITNESS: Miss Halpenny.

6

THE COMMISSIONER: No, but before,  
does that mean away from Phyllis Trayner, or closer  
to Phyllis Trayner?

7

THE WITNESS: No, away from Phyllis  
Trayner.

8

MS. CECCHETTO: Q. And what about  
Mrs. Reaper?

9

A. I don't remember exactly, no,  
I couldn't say.

10

Q. And you have indicated that  
from your table you had a clear view ...

11

A. Yes.

12

Q. ... of Phyllis Trayner?

13

A. Yes.

14

Q. Now you have also indicated that  
Sui Scott came and joined Mrs. Trayner?

15

A. Yes. She came and Phyllis  
Trayner offered her some soup, yes.

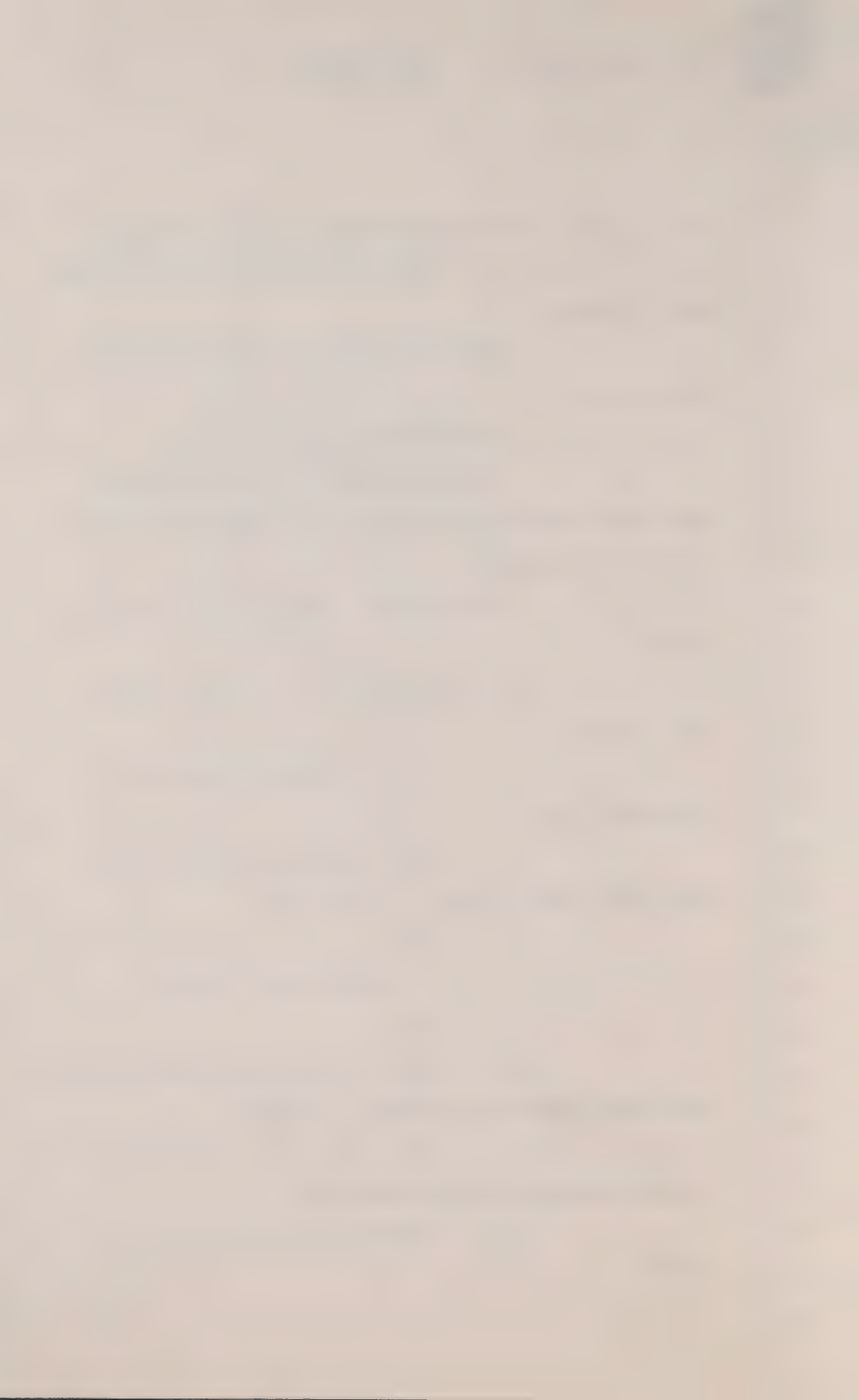
16

Q. And she put her salad on the  
table?

17

18

19





D.4

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A. Right.

3

4

Q. Now, you testified that you couldn't remember seeing Mrs. Scott put any dressing on the salad, last week?

5

6

A. Right.

7

8

Q. If Mrs. Scott testified that she did put the dressing on the salad and tossed it, would you disagree with that?

9

10

A. Maybe she put a small amount, could be, could be, but it didn't look much to me.

11

12

Q. Well, are you saying she didn't put any dressing because when you looked at the salad there didn't appear to be any?

13

14

A. Right, with the dressing.

15

16

Q. But there may have been?

17

18

A. It may have been, yes.

19

20

21

Q. Now you have been questioned by Miss Forster this morning as to whether or not you saw Phyllis Trayner eat any soup, and you testified that you didn't see her eating any soup?

22

23

24

25

A. Right.

Q. And you testified last day a number of times that you saw Phyllis Trayner playing with her soup?

A. Yes.





D. 5

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Q Did it strike you as strange that she was playing with her soup, you mentioned a number of times that she wasn't eating, she was just playing?

A Right, yes. I didn't know how come she was just playing, stirring her soup with the spoon all the time.

THE COMMISSIONER: The question was, did you think it strange?

THE WITNESS: Yes, yes.

MS. CECCHETTO: Q So you noticed that she was playing with it?

A Yes.

Q And that does stick out in your mind?

A Yes, it does.

Q And you indicated that Sui Scott was called away?

A Right.

Q And can you tell us again what you saw Phyllis Trayner do after Sui Scott was called away?

A After she got up and she looked into Sui's salad, after she was stirring her soup, finally, she stood up and she went and looked into





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Sui's salad and with the fork she was just looking and just looking underneath, what was underneath in the bowl.

Q If you can take it in steps. Before she stood up and looked into Sui's salad, did she make any comment at all about pills in her soup?

A I don't recall that. I don't know.

Q So she got up and went to Sui's salad and began to sift through it?

A Right.

Q And how did that strike you, were you surprised when that happened?

A Yes. It surprised me how come she just was looking and playing with the soup, and suddenly she just got up and went right away into Sui's salad.

Q Did it appear to you to be strange?

A Yes.

Q That she would do this?

A Yes.

Q And then what happened?

A And then she started to cry, and somebody went to get Sui and Sui came and Sui was upset too.





D, 7

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2  
3 Q She started to cry, and what  
4 did she say when she started to cry, Mrs. Trayner?

5 A I don't know, because I said  
6 to her, when I saw those tablets I said to her they  
7 look like Vitamin C, but she didn't say anything.

8 Q All right. So when she started  
9 to cry did you people go over and see what was the  
10 matter?

11 A Yes, everybody looked.

12 Q And what did you see?

13 A I saw some orange coloured  
14 tablets underneath in the bottom of the bowl, in the  
15 salad bowl.

16 Q And you just indicated you told  
17 her you thought they were vitamins?

18 A Right.

19 Q And did Mrs. Trayner say anything  
20 in respect to that?

21 A No, she didn't say anything.

22 Q Did she not suggest they were  
23 something else?

24 A I think they probably knew what  
25 kind of pills they were but nobody said anything, no.

Q Now, were these pills clearly  
visible to you?





D.E

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A. Yes.

3

Q. And did they appear to be dissolved in any way?

4

A. No, not dissolved, they just seemed to be like broken in half.

5

6

Q. These are the pills in the salad now?

7

8

A. Right, right.

9

Q. What about the pills in the soup?

10

A. I haven't seen them.

11

Q. You didn't see them?

12

A. No.

13

Q. I understand, Mrs. Christie, that the food, most of the food is kept in the fridge?

14

A. Yes.

15

Q. The food for the lunches?

16

A. Yes.

17

Q. And is it common to put a name on your food, for example?

18

19

A. No, no, we didn't do that, no.

20

Q. So - well, let me ask you this. The food that you were eating that night, was it in any special type of container?

21

22

A. No, it wasn't.

23

Q. Was it in a Tupperware container,

24

25





D.9

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2

or was it in a bag, or what was it?

3

A. No. I just brought a sandwich  
and some salad and food and it was just in a bag.

4

Q. Well, what was the salad in?

5

A. I didn't have a salad that night.

6

Q. Again, going through the  
preliminary, it struck me that a number of nurses, and  
you have testified too, had their food in a Tupperware  
dish that night. Mrs. Scott had it in a Tupperware  
dish; Mrs. Trayner had it in a Tupperware dish; Mrs.  
Reaper had it, had her food in a Tupperware dish. That  
is found, for my friends, at Volume 8 of the Preliminary,  
pages 32 to 33 and page 60.

11

12

A. Yes.

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D.10

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Q Did anybody else check?

3

A No.

4

Q Now last day you were asked

5

about a phone call and that was cleared up, the phone

6

call that you saw Miss Fernandez take. Let me ask you,

did you witness any other incidents, strange

incidents, any other phone calls that you actually saw?

8

A No, I did not.

9

Q Did you hear Phyllis Trayner

10

talk about any of these other incidents?

11

A Yes, I did.

12

Q What other incidents did you

hear Phyllis Trayner talk about?

13

A She had been telling us about

14

phone calls, and also that her car was marked, and

15

also that she had some mark on her locker and on her

16

door in her apartment where she was.

17

Q And did she talk about this

18

quite a lot?

19

A Yes.

20

Q Now, have you got a locker in

the locker room, Mrs. Christie?

21

A Yes, I have a locker, yes.

22

Q Are there names on the lockers?

23

A No, they are not.

24

25





D.11

1  
2 Q So the only way I would be  
3 able to locate your locker, for example, was if I knew  
4 where it was?

5 A Right, and the numbers, there  
6 are numbers on the lockers.

7 Q But unless I knew your number I  
8 wouldn't know?

9 A Right.

10 Q Now you have indicated last day  
11 that you phoned Phyllis Trayner to find out if you  
12 should go back to work, so obviously you knew Phyllis  
13 Trayner's phone number?

14 A Yes.

15 Q Did you know where Phyllis Trayner  
16 lived?

17 A No. I only know that she lived  
18 somewhere on Bloor Street and Islington, that's all  
19 what I know.

20 Q Did you know what Phyllis  
21 Trayner's car looked like?

22 A I know once she only picked me  
23 up when we went to a Christmas party, and I know it  
24 was navy blue, that's all.

25 Q Did you know where Phyllis  
Trayner's husband worked?





D.12

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A. No, no. I know that he belongs, that he was assigned to the Army, he was something to do with the Army, that is all what I knew.

Q. I believe he was in the Militia, did you know what branch of the Militia he was in, or where that was located?

A. No, I did not.

Q. Did you know where Phyllis Trayner's bank was?

A. No.

Q. Did you ever hear any conversations about banking, and where Phyllis Trayner's bank was?

A. No, I did not.

Q. Now, if we could just deal with the drapes for a moment in Cook's room, on the night that he died.

A. Yes.

Q. And you indicated that when you came back into the room, after your break, you saw the drapes drawn?

A. Right.

Q. And to the best of your recollection you indicated that you didn't believe they were drawn before you left?





D.11

1  
2 A. Right.

3 Q And Ms. Cronk dealt with whether  
4 or not it was unusual, the other day, to have the  
5 drapes drawn. Am I correct in thinking that normally  
6 the only time the drapes are drawn is perhaps when a  
7 doctor is doing something, or when the parents are  
8 there?

9 A. Yes. Sometimes parents are  
10 doing that because they just close the drapes so the  
11 light wouldn't bother those little ones, but later we  
12 usually put them back again, we don't keep them closed,  
13 the drapes.

14 Q Was it normal for nurses to  
15 draw the drapes?

16 A. Not really, no.

17 Q Was it unusual?

18 A. Sometimes maybe they did but  
19 very seldom, I haven't seen them, no, they have been  
20 always open.

21 Q And did it strike you as a bit  
22 strange that the drapes were drawn?

23 A. Yes, it did, that is what I  
24 remember, what I recollect, it was strange.

25 Q Now Ms. Forster asked you some  
26 questions about whether or not Mrs. Trayner and Baby





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Cook were visible when the drapes were drawn. If Mrs. Trayner was administering some medication to Cook, and Cook was in the baby cot, would that have been visible with the curtains drawn?

A. It depends where you are standing, you probably could see that, you probably could see it, yes.

Q. Where would you have to stand to see it?

A. Close to her, where she was, close to the crib.





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Q. If you were just passing by the doorway, would that be visible?

A. Yes, I would think so.

Q. You would think so?

A. Yes.

Q. You would think you could see past the drapes into - I don't understand the two answers, I'm not trying to confuse you, but you indicated that you would have to be close to see someone was administering medication with the drapes drawn.

A. Yes.

Q. Now, if you are walking by the door and you stopped in the doorway and the drapes were drawn as they were on that particular night, would you be able to see anybody administering medication?

A. If you were just walking by you probably could not see. You probably could not see that, no.

Q. I believe you came back into Cook's room some time during the resuscitation attempt. Am I correct?

A. Yes.

Q. Were the curtains drawn at





1  
2 that time or were they pulled back?

3 A. They had been pulled back at  
4 that time.

5 MS. CECCHETTO: Thank you. Those  
6 are my questions, Mrs. Christie.

7 MR. PERCIVAL: I have no questions  
8 of this witness in Phase I of the Inquiry.

9 THE COMMISSIONER: Thank you.  
10 Mr. Scott?

11 MR. SCOTT: No questions.

12 THE COMMISSIONER: Mr. Ortved?

13 MR. ORTVED: No questions.

14 THE COMMISSIONER: Ms. Symes?

15 CROSS-EXAMINATION BY MS. SYMES:

16 Q. Mrs. Christie, my name is  
17 Beth Symes and I represent the Registered Nurses'  
18 Association of Ontario and 39 individual nurses.

19 When you came on shift whether it  
20 be the long days or the long nights I gather that  
21 the first thing that happened was that you  
22 received a report. Is that correct?

23 A. That is correct, yes.

24 Q. And that report was given  
25 by the nurse who was in charge on the prior shift?

A. Right.





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Q. And I gather it is a very extensive report as to the condition of each of the children on Ward 4A?

A. Yes.

Q. It lasts usually at least 30 minutes.

A. At least 30 minutes, three-quarters of an hour, yes.

Q. And you provided us with Exhibit 388. Could you please have a copy of that. That is the work sheet.

Exhibit 388 which we have marked as your work sheet for the night of March 21st/22nd, did you make one of these work sheets every shift that you worked?

A. Yes, I did.

Q. Would you start to make that work sheet at report?

A. That is right, I would.

Q. For example, then on the side of 418, that has Thomas Harbin.

A. Yes.

Q. Would you have written down the essential information about the Ioselette, the SMA and the chest at report?





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3 A. Yes.

4 Q. Would this information then  
5 be information that was given to you by the nurse  
6 in charge from the prior shift?

7 A. Yes.

8 Q. So that when the nurse in  
9 charge was given report did you know before she  
10 talked about Thomas Harbin that that was going to  
11 be your patient?

12 A. Oh, yes.

13 Q. So when she talked about  
14 Thomas Harbin would you pay particular attention  
15 to the information she was giving about that particular  
16 child?

17 A. Yes, I would.

18 Q. And is it fair to say then if  
19 she were talking about a child to whom you are not  
20 assigned, say someone else were assigned, maybe  
21 Nurse Scott, you would be paying less attention?

22 A. Right, that is correct.

23 Q. Because in the questions that  
24 Miss Cronk asked you about certain of the other  
25 babies you seemed to have very little memory about  
their other conditions.

A. That is right.





1  
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3 Q. Is that because you were not  
4 particularly assigned to them?

5 A. That is right, yes.

6 Q. I would gather from the fairly  
7 detailed information that you have on Thomas Harbin  
8 in Exhibit 388 that a full and detailed report  
9 would be provided to the oncoming shift?

10 A. Yes.

11 Q. So just to get things straight  
12 even though you cannot remember what was said  
13 about specific babies it would have in fact been  
14 fully reported to the nurse coming on?

15 A. It would have, yes.

16 Q. And it was just your practice  
17 to specifically recall the babies that you were  
18 assigned?

19 A. That is right, yes.

20 Q. Now, you have talked about  
21 lunch breaks that your side took, 4A, and what  
22 was the usual time for taking those lunch breaks?

23 A. We never had a set lunch  
24 break but we usually took them - the first break  
25 would be about between 10:30 and 12 o'clock and  
the other lunch break would be maybe between 1:00  
and 3:00, it depends. Whenever we could then we





1

2

took our break.

3

Q. Was is the practice to have

4

lunch together?

5

A. Yes, it was.

6

Q. So that if physically

7

possible that is if the conditions of the children

8

warranted it, would all of the members of the 4A

9

team have lunch together?

10

A. Yes, they would.

11

Q. I gather this of course would

12

not be possible if a baby was on constant nursing  
care or shared nursing care.

13

A. Right.

14

THE COMMISSIONER: It would be

15

possible.

16

MS. SYMES: Q. It would be possible

17

but that was not the practice. If a baby was

18

on constant nursing care or shared nursing care

19

the rule was that a nurse had to be there to care  
for that child at all times.

20

A. She should be, yes.

21

Q. And other than the two

22

occasions that you have told us on the night of

23

Janice Estrella's death do you ever recall a child

24

being left unattended who was on constant nursing care?

25





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A. I don't recall, no.

3

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6

Q. I would like to take you to a situation then in which no child on 4A is either on shared nursing care or constant nursing care, that kind of a situation.

7

A. Yes.

8

9

Q. I gather what you are saying is if possible the nurses would have lunch together. Is that correct?

10

A. Right.

11

12

Q. And would they also tend to have that early coffee together?

13

A. Yes.

14

Q. If possible?

15

A. Yes.

16

Q. Was that just a social thing, that is, nice to all eat together?

17

A. Yes, it is.

18

19

20

21

Q. We have a diagram, a large chart of the ward and we have marked - this is Exhibit 337 - we have marked here the nursing station and then we have the nursing counter out in front of the nursing station.

22

A. Yes.

23

24

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Q. When did the ward clerk or





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what we call the unit clerk go home?

A. We had one and she used to  
be on until 10:30 or 11:00 at night.

Q. I gather that when she was  
on duty she would be sitting at the counter. Is  
that correct?

A. Correct.

Q. And after 10:30 or 11:00,  
she would not be sitting at the counter?

A. No.

Q. The tables that you had lunch  
at, that you described the Estrella and the Cook and  
the pill incident, could you show us where they are  
in this diagram in relation to those three windows  
on either side?

A. You mean in these rooms?

Q. There are three windows marked  
here.

A. That is right, three windows.

Q. Could you just help us please,  
can you tell us where the tables are located where  
the nurses had lunch?

A. About here. Here would be  
one table and here would be another table.

Q. Just so I can understand it,





1  
2 you are indicating then the furthest north window  
3 on 418 and the furthest north window on Room 431.

4 A. Yes.

5 Q. In other words, right up against  
6 the window to the north.

7 A. Yes.

8 Q. And when the nurses were  
9 eating the meal would they tend to sit down to eat  
10 their meal?

11 A. Yes.

12 Q. I gather the nurses could  
13 make coffee or tea?

14 A. Yes.

15 Q. Where was the coffee and tea  
16 located?

17 A. That is the counter there.

18 Q. Just so I can indicate, those  
19 windows No. 2 and 3 are on the wall facing Room 418.

20 A. And it also could be either  
21 here or could be on this side on the wall opposite  
22 Room 431.

23 Q. On the wall opposite Room 431?

24 A. That is right. There was an  
25 outlet and we could make coffee or boil water or  
make coffee.





1  
2  
3 Q. And where are the nurses'  
4 lunches kept?

5 A. In the fridge.

6 Q. Where is the fridge?

7 A. That would be the pantry.

8 Q. In Room 416?

9 A. Yes.

10 Q. So if we have a night in  
11 which the nurses are all able to have lunch together  
12 they would be sitting then at these two tables in  
13 the nursing station?

14 A. Yes.

15 Q. If you were seated at those  
16 two tables in the nursing station could you see  
17 anyone come up or down from stair No. 2, on the  
18 diagram, into Ward 4A?

19 A. No, you could not.

20 Q. Would it be possible for  
21 example for someone to come into Room 423 and  
22 leave and not be seen by anyone at the nursing station?

23 A. No, it is possible that someone  
24 could come but you would not see.

25 Q. Would it be possible to come  
from stair No. 2 into Room 418 and leave by the  
same stairway and not be seen by the nurses in the





1  
2 nursing station?

3 A. Yes.

4 Q. And on typical nights when you  
5 are having dinner altogether at the back of the  
6 nursing station how long might you all be together,  
7 that is all the members of Team 4A?

8 A. It could be maybe between half  
9 an hour to one hour. The first break is usually  
10 half an hour and the second break is a little longer.  
11 It could be at one hour.

12 Q. So the break that is usually  
13 taken after midnight would generally be longer  
14 than half an hour?

15 A. Yes.

16 Q. This is the time when if  
17 possible, that is if there were no emergency or  
18 a child needing attention at that particular time  
19 you would all gather for a social occasion to have  
20 lunch on your break?

21 A. Yes.

22 Q. In other words, it was not  
23 the policy then to leave one person out on the  
24 floor while the rest of you were having lunch?

25 A. No, it was not the policy, no.

Q. Do you know just from what





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you observed of the 4B team's operation whether they tended to have lunch together?

A. Yes, they had lunch together at the same time.

Q. Again a social thing, if possible to have lunch together?

A. Right.

MS. SYMES: Those are my questions, thank you.

THE COMMISSIONER: Mr. Tobias, I think you are next?

MR. TOBIAS: Yes, I will be very brief, Mr. Commissioner.

CROSS-EXAMINATION BY MR. TOBIAS:

Q. Good morning, Mrs. Christie. My name is Warren Tobias and I represent the parents of Jordan Hines, one of the babies who died in March of 1981. You have already told us that you really do not recall that child or any of the events surrounding his terminal events. You mentioned the other day I believe, the first day you testified, that you had been at the Hospital a total of 24 years as a registered nursing assistant.

A. Yes.

Q. Tell me something. Over





1  
2 that time, when was it approximately, if you can  
3 recall, that they introduced into the Hospital  
4 monitors. When you first started there 24 years  
ago did they have cardiac monitors?

A. Yes, they did have some, not  
as many as now, but we had some, yes.

Q. And I understand also now  
the Hospital has something called an apnea monitor.  
Is that correct?

A. Yes.

Q. When was that first introduced  
into the Hospital? Did they have them 24 years ago  
when you started?

A. At that time when I started  
we did not have babies on our floor. I started  
to work on a surgical floor and we only had boys  
5 to 15 years old with that group, so I had not  
seen them on our floor. But when we came to 5A  
we had them on little babies, yes, we had them.

Q. So at the time you started  
on 5A they did at that time already have them.  
That would have been, do I have it correctly, in 1970?

A. Yes.

Q. Now, you therefore have  
experience with apnea monitors going back about





14 years?

A. Yes.

Q. Has there been a lot of changes in the kinds of apnea monitors used in the Hospital over those 14 years?

A. I could not really say much because we had them very seldom on our floor. We did not have many patients on those apnea monitors.

Q. We have heard evidence from several nurses as to how apnea monitors work. I understand that there is a setting on the back of the monitor and that you can set it and depending on the setting the monitor will go off after a certain length of time that the baby has not recorded a breath.

A. Yes.

Q. Do I have that correct? Is that how it works?

A. Yes.

Q. I take it the apnea monitor can go off but that does not necessarily in every case lead to the calling of a code. Do I have that correctly?

A. Yes.

Q. So the absence of the





Christie, cr.ex.  
(Tobias)

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calling of a code does not mean to say that the  
apnea monitor has not gone off?

A. That is correct.

THE COMMISSIONER: When they go  
off do they make a noise?

THE WITNESS: Oh yes, they do make  
a noise.

THE COMMISSIONER: Both the  
cardiac and the apnea, can you tell the difference  
in the noise?

THE WITNESS: Yes.

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3 THE COMMISSIONER: In the next room  
4 could you tell which monitor it was which was going  
5 off?

6  
7 THE WITNESS: They have beeping,  
8 like apnea monitor, beeping. Beep-beep-beep.

9  
10 THE COMMISSIONER: Well, a cardiac  
11 monitor, what is it like?

12  
13 THE WITNESS: A cardiac monitor makes  
14 also a noise but it is like, all the time a noise.

15  
16 THE COMMISSIONER: All right.

17  
18 MR. TOBIAS: Q If you are not in a  
19 patient room where a patient is on an apnea monitor,  
20 would you hear that monitor if it went off?

21  
22 A. You should be able to hear it,  
23 Yes.

24  
25 Q. All right. Would it depend how  
26 far away you were?

27  
28 A. Right. Yes.

29  
30 Q. Now if you were on the 4A side --

31  
32 A. Yes.

33  
34 Q. -- and the child was on the 4B  
35 side, the child on the apnea monitor.

36  
37 A. Yes.

38  
39 Q. Would you be able to hear that  
40 apnea monitor if it went off even if you were on the  
41 other side?





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A. No, I don't think so.

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Q. Okay. Fine. So that really if I were to ask you about a particular baby and any recollection you might have about that baby getting into trouble if he was on the other side of the ward from where you were the only thing that would really help you is if you heard a Code called?

8

A. Correct.

9

10

11

Q. If a Code is called I take it you usually go down and see which baby it is that the Code is called for?

12

A. Right.

13

14

Q. And you have no recollection of ever having been around when a Code was called for Jordan Hines, do you?

15

16

A. I don't remember. I don't recall. I probably had been but I don't recall.

17

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Q. Now that's a fair answer. Let me ask you this: if you had been in the Hospital when a Code, either a 23 Code or a 25 Code, was called for the baby if you had been there is that something significant enough that you probably would remember it?

22

A. Oh, yes.

23

24

25

Q. Okay. And yet you have no recollection today of ever having heard a Code called





F.3

1  
2 for Jordan Hines. Is that fair?

3 A. Fair.

4 Q. Okay. Fine.

5 Now did you ever have any discussions  
6 with anybody at the Hospital after Jordan Hines died  
7 about what the cause of death was?

8 A. No.

9 Q. So you have no personal knowledge  
10 as to any inquiries that might have been made or  
11 questions asked or explanations given by anyone?

12 A. Right.

13 Q. Okay. Now up until today, to  
14 this very day, do you have any personal knowledge about  
15 what the cause of death was?

16 A. Well, I read later about Baby --

17 THE COMMISSIONER: No, sorry.  
18 Personal knowledge.

19 MR. TOBIAS: Well, wait --

20 THE COMMISSIONER: I don't know what  
21 you mean. You mean, whether you mean legal personal  
22 knowledge?

23 MR. TOBIAS: All right. Let me clarify  
24 it.

25 Q. I don't want to know right now  
anything you might have been told by someone else. Have





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you heard anything yourself with your own ears up  
until today regarding what the cause of death was?

THE COMMISSIONER: That, I am sorry,  
is the same question. You said you didn't want to  
hear it and now you are asking it.

MR. TOBIAS: Okay. That's true. Let  
me back up.

MR. SCOTT: Why not go forward.

MR. TOBIAS: Well, going forward is a  
good idea, Mr. Scott. Perhaps you can give me a gentle  
push to help me.

Q. Let me ask the question this  
way, Mrs. Christie: Today do you know what the cause  
of death was with respect to Jordan Hines?

A. I think I read it, yes, but I  
just don't remember exactly.

Q. Okay. Now before you tell me  
what you read where did you read it? In his chart,  
in his report --

A. No, in a newspaper.

Q. In a newspaper? Okay, fine.

Now what I would like to ask you is  
this: you have been at the Hospital you say for 24  
years. You have had I take it about 14 years'  
experience working with infants. Do you know very





F.5

1  
2 much at all about Sudden Infant Death Syndrome?

3 A. Yes, but we have them very  
4 seldom on our floor. Very seldom.

5 Q I am sorry, I didn't catch the  
6 answer?

7 A. We didn't have them on our floor.  
8 Very seldom they came to us.

9 Q Okay. Fine. You know what  
10 Sudden Infant Death Syndrome is, though?

11 A. Yes.

12 Q You have heard of it and you  
13 have some information regarding it?

14 A. Yes.

15 Q During the course of the time  
16 that you have been at the Hospital working with infants  
17 which goes back some 14 years, can you recall personally  
18 any babies who were in the Hospital who died from  
19 Sudden Infant Death Syndrome?

20 A. Not on --

21 Q Do you recall any case like that?

22 A. Not on our floor, no.

23 Q Okay. Can you recall in  
24 particular any babies whether on your floor or else-  
25 where in the Hospital who died being in the Hospital  
from Sudden Infant Death Syndrome while they were  
being monitored?





F.6

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A. No.

3

Q. Do you recall any case like that?

4

A. No.

5

MR. TOBIAS: Those are all my questions, thank you.

6

7

THE COMMISSIONER: Mr. Shinehoft, do you want to go now?

8

9

MR. SHINEHOFT: I certainly intend to be longer than five minutes, Mr. Commissioner. If you want to take your break now it is fine.

10

11

THE COMMISSIONER: Whatever you want. Now do you want --

12

13

MR. SHINEHOFT: It might be better if you take the morning break perhaps now.

14

15

THE COMMISSIONER: All right.

16

17

MR. TOBIAS: Mr. Commissioner, I might offer to be of some assistance. I spoke with Mr. Labow last evening and I was under the impression that he had some questions for this witness. Over the break I will try to contact him and --

18

19

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THE COMMISSIONER: Would you? Would you tell him that --

21

22

MR. TOBIAS: -- and advise him that he would be called on very shortly.

23

24

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THE COMMISSIONER: It is a case of





F.7

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2 now or never I think.

3 MR. TOBIAS: Yes. I can well under-  
4 stand.

5 THE COMMISSIONER: And Mr. Shanahan  
6 I guess is at the Provincial Court somewhere?

7 MR. SHINEHOFT: He said last time,  
8 Mr. Commissioner, that --

9 THE COMMISSIONER: That he didn't  
10 have any questions? All right. Thank you.

11 All right. We will take twenty  
12 minutes.

13 --- Short recess

14 (2) --- On resuming:

15 THE COMMISSIONER: Yes, Mr. Shinehoft?

16 MR. SHINEHOFT: Thank you, Mr.  
17 Commissioner.

18 CROSS-EXAMINATION BY MR. SHINEHOFT:

19 Q Mrs. Christie, my name is  
20 Jack Shinehoft and I represent the parents of Kevin  
21 Pacsai.

22 You have given evidence, Mrs. Christie,  
23 that you have some information and knowledge about  
24 this baby. Is that not correct?

25 A Yes.

Q I believe you were working the





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long night shift on March 11th, 1981?

A. Yes.

Q. Is that correct?

A. Yes, that's correct.

Q. I believe your evidence was that you were in Room 418 taking care of a particular child around ten to four in the morning?

A. Right.

Q. Is that correct?

A. That's correct.

Q. And that Phyllis Trayner was in that room with you?

A. Right.

Q. And she was taking care of another baby?

A. That is right.

Q. Were there just the two of you in the room?

A. At that time, yes, she was just attending a little baby in an Isolette in that room, yes.

Q. And there was someone else that was assigned to that child or was she assigned to that child?

A. I don't think so she was





F.9

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assigned to that child, no.

3

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Q Do you recall who was assigned  
to that child?

5

6

A I believe I was assigned to  
that child too.

7

8

Q Is there a particular reason  
why she was taking care of that child while you were  
in the room?

9

10

A No, I don't know why. No, I  
have no idea.

11

12

Q But nevertheless you indicated  
that you heard an alarm. Now can you recall what kind  
of alarm that you heard?

13

14

A I believe it was a general  
hospital alarm.

15

16

Q Now is that a Code 25?

17

A Not that I can recall. No, just  
for the Hospital, like general alarm.

18

19

Q Perhaps you could enlighten me  
because I am not sure I know what a general hospital  
alarm is?

20

21

A Yes.

22

Q What exactly happens when that  
alarm is sounded?

23

24

25

A Well, you just press a button





F.10

1  
2 and you can hear that some particular room needs some  
3 attention.

4 Q How do you know which room  
5 needs the attention?

6 A Oh, because it is lighted at  
7 the nursing station and also above the room it is a  
8 light there so you could see.

9 Q Okay. But if you were not  
10 either in the nursing station or in the hallway to  
11 look at the light that would be flashing, could you  
12 tell what room the particular Code is being called from?

13 A You would be - you would hear  
14 that but you would go and see which room it was, yes,  
15 you would know where it was.

16 Q But if you were in a different  
17 room you wouldn't know where that alarm was sounded  
18 from, would you?

19 A No, that's right.

20 Q And your evidence I believe,  
21 Mrs. Christie, was that Mrs. Trayner left the room,  
22 and approximately five minutes later you went to find  
23 her?

24 A Right. I went to talk with her,  
25 yes.

Q And the purpose of that was to





F.11

1

2

receive instructions from her as to what to do with  
the child that she had been taking care of?

4

A. Not only that child, but for  
the other babies, other children on that floor as well.

5

6

Q. And you say that you went to  
Room 431?

7

8

A. Right.

9

Q. Is that correct?

10

A. That is correct, yes.

11

Q. How did you know which room  
to go to?

12

A. Well, I wouldn't know. I just  
went and I saw everybody there so that is why I  
stopped. I didn't know it was in that room but I  
just went in and saw --

13

14

15

Q. So you were going to go from  
room to room until you found her?

16

17

A. Yes.

18

Q. Is that right?

19

A. Yes.

20

Q. You say that when you went  
into the room Phyllis Trayner was there?

21

A. Yes.

22

Q. Were there other nurses there?

23

A. Yes.

24

25





F.12

1

2

Q. Who were they?

3

A. Susan Nelles was there and 5B  
nurses - 4B nurses also but I don't recall who else  
was there. But some other nurses as well.

4

5

Q. Let me ask you about that,  
Mrs. Christie. Were you not familiar with the 4B  
nurses?

6

7

A. Oh, yes, I am, but I don't  
recall. I don't remember now exactly.

8

Q. Well, if I were to provide you  
with the WIN sheets --

9

10

A. Yes.

11

12

Q. -- that would indicate which of  
the 4B nurses were on duty at that time, would that be  
of assistance to you, Mrs. Christie?

13

14

A. Yes, I believe - I am not sure  
but I believe it was Miss Halpenny and Miss Reaper  
as well.

15

16

17

18

Q. Well, why don't you take a look  
and perhaps, Mr. Registrar, you could provide  
Exhibit No. 334A. Now if you would look at the second  
to the last page, Mrs. Christie --

19

20

21

THE COMMISSIONER: Is it 334A?

22

23

MR. SHINEHOFT: Well, it was amended  
I believe, Mr. Commissioner.

24

25





F.13

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THE COMMISSIONER: Oh, yes.

3

4

MR. SHINEHOFT: To show both the front  
and the back of 334.

5

THE COMMISSIONER: Yes. What page?

6

MR. SHINEHOFT: The second to the last  
page, Mr. Commissioner.

7

THE WITNESS: Yes, I got it.

8

9

MR. SHINEHOFT: Q Did you find that,  
Mrs. Christie?

10

A. Yes.

11

12

Q And those are the WIN sheets  
from March 9th to March 15th.

13

A. Yes.

14

Q And would you take a look at the  
date of Wednesday, March 11th?

15

A. Yes.

16

17

Q And indicate to the Commissioner  
who the nurses on duty were for the long night?

18

19

A. Yes. It was Miss Halpenny,  
Miss Reaper, Mrs. Lyons and Miss Harwood-Jones on 4B  
side.

20

21

22

Q Now does that refresh your  
memory at all as to who was in the room that being  
Room 441 when you went there and you saw Phyllis Trayner?

23

24

25

A. I believe it was Miss Halpenny





F.14

1

2

and Miss Reaper whom I know, to the best of my  
knowledge.

3

4

Q And what exactly were they  
doing when you went into the room, Mrs. Christie?

5

6

A I didn't stay there very long.  
I only went and they been just attending to Baby Pacsai.  
What they been really doing I don't know. I only  
asked Phyllis what should I do on our side and then  
I left. I hadn't been there very long.

9

10

Q Now when you entered the room --

11

A Yes.

12

Q -- Phyllis was doing something.  
What was she doing?

13

14

A Just - I don't know. I haven't  
seen her doing really anything. Just taking care of  
that baby. Just, I don't know, maybe listening to  
the heart rate or something. I can't recall.

15

16

17

Q Well, you can visualize what  
happened that evening?

18

19

A Right.

20

Q Correct?

21

A Right.

22

Q And you know that Phyllis  
Trayner was in the room?

23

A Right.

24

25





F.15

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Q And that she was doing something. What exactly was she doing?

A I just don't remember. I couldn't say. I don't know.

Q Now you have indicated in your evidence that you had the opportunity to review the medical charts of some of the children who had died during this epidemic period; is that correct?

A Not really review all of them. I just check on some of them if I been working on that day, if I was looking after that particular child.

Q And so would it be fair to say you really didn't examine the medical chart of Kevin Pacsai?

A No.

Q Before coming here?

A No, I did not.

Q When you were in Room 431 were there any doctors there when you spoke to Phyllis Trayner?

A I believe somebody been there, yes.

Q There was a doctor there?

A I believe so.

Q And you recall the name of the doctor?





F.16

1

2

A. No. I'm sorry, I don't recall.

3

Q. Was the doctor a male or a

4

female?

5

A. I just don't remember. I

6

couldn't tell you.

7

Q. Do you recall or can you recall

8

what the doctor was doing?

9

A. No, neither, no.

10

Q. Now you indicated that the next

11

time that you had any involvement with the child was  
when you saw Susan Nelles at the elevator with the  
child?

12

A. Right.

13

Q. And your evidence was that she

14

was alone and carrying the child?

15

A. That is right.

16

Q. Now we have heard from

17

Dr. Costigan who was there some time that evening and  
who treated that baby, and he says in Volume No. 45,  
page 24, line 11:

18

19

"Q. In any event, the child was then  
transferred to the ICU?

20

21

"A. Yes.

22

"Q. Did you take him there?

23

"A. Yes, myself and I think one or

24

25





F.17

1

2

or two of the nurses.

3

"Q. All right. Do you remember  
which nurses?

4

5

"A. Yes, I think it was Nurse  
Nelles and my other recollection was  
that it might have been the night  
supervisor as well."

6

7

8

9

10

11

12

13

Now he has given that evidence, and  
in the medical chart, medical record of Kevin Pacsai,  
there is just one small portion of it at page 65, in  
a note written by Susan Nelles she states that the  
babe was transferred to the unit accompanied by  
Dr. Costigan.

14

15

16

17

18

19

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24

25

Now does that change your recollection  
of the events of that night?





G  
DM/PS

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A. No, it didn't change me. All that

I remember is saw Susan Nelles waiting for the elevator

carrying the baby, that's all that I remember, I

haven't seen the doctor, I wasn't there all the time

either.

O. But the doctor says that he

took the baby to the ICU accompanied by a nurse;

and you are saying that you don't recall that.

A. No, I only saw Susan Nelles

waiting for the elevator, that's all.

O. Did you see the elevator door

and Susan Nelles get into the elevator?

A. No, because I wasn't there any

more, I left.

O. Where exactly were you when you

made those observations, Mrs. Christie?

A. I was sitting across the elevator

at the front desk.

O. What were you doing there?

A. I had just been doing some

charting, marking some temperatures on my patients.

O. And again do you recall what time

of morning that was?

A. Well, it was about 5:30.

O. And how do you know what time of





1  
2 morning that was?

3 A. Because I just happened to look  
4 at the clock.

5 Q. And how long was Susan Nelles  
6 there with the baby before you had to leave the  
7 nursing desk?

8 A. Well, when I left she was still  
9 waiting for the elevator.

10 Q. How long had she been there that  
11 you had observed her?

12 A. About maybe two or three minutes.

13 Q. It takes that long for an  
14 elevator to come at that hour of the morning, Mrs.  
15 Christie?

16 A. Well, it depends, but somewhere  
17 about that time, yes.

18 Q. And you also gave evidence  
19 that at the end of the shift you saw Phyllis Trayner?

20 A. Yes.

21 Q. That would be the morning of  
22 March 12th?

23 A. Right.

24 Q. And was there any discussion that  
25 took place between you and she at that time?

A. No.





Christie  
cr. ex. (Shinehoft)

1  
2 Q. And are you surprised that you  
3 didn't discuss anything like that with her? You have  
4 indicated this morning I believe that an arrest, or  
5 a code is something that is of fairly significant  
6 importance to you and something that you usually  
7 remember; is that evidence correct?

8 A. Yes, but I don't think so we  
9 discussed anything at that time.

10 Q. Do you normally discuss a situa-  
11 tion of a baby arresting, or a baby getting into  
12 trouble, with the attending nurses to find out what  
13 happened with the baby?

14 A. No, not all the time because we  
15 are busy, we have to weigh up our babies and do things,  
16 feed babies so, no, I don't think so.

17 Q. Do you recall that evening being  
18 a particularly busy evening?

19 A. Oh, yes, yes. I'd been like  
20 having babies in Room 418, and also in Room 421,  
21 so I would be into that room.

22 Q. But you did learn the next day  
23 that the baby had died?

24 A. Yes, I did.

25 Q. And you say you learned it from  
a nurse?





Christie  
cr. ex. (Shinehoft)

1

2

A. Right.

3

Q. And the nurse's name?

4

A. I believe it was Miss Mandal, she  
was in charge on days.

5

6

Q. And would this information be  
given to you at report when you came on duty?

7

8

A. I think it was given before we  
came, yes, when we came on duty, right.

9

10

11

Q. And do you recall specifically  
what was said between yourself and the nurse, or how  
this information was given to you?

12

13

A. It was just given to us before  
report, and then we had report so we didn't have time  
to discuss that.

14

15

Q. No information exchanged as to the  
cause of death?

16

A. No, not to my knowledge.

17

18

Q. And then there was a meeting I  
think the following Monday?

19

A. Right.

20

Q. At Liz Radojewski's house?

21

A. Yes.

22

23

Q. But you said that you were not  
invited to that meeting because they couldn't get  
hold of you.

24

25





Christie  
cr. ex. (Shinehoft)

1

5

2

A. Right.

3

Q. But they did discuss this baby  
Pacsai at the meeting?

4

5

A. I wouldn't know.

6

Q. Was there any discussion, or did  
you have any conversation with any of the nurses who  
did attend the meeting?

7

8

A. No, I did not.

9

Q. So you to this day do not know  
what happened at the meeting?

10

11

A. Right.

12

Q. But you do recall overhearing a  
conversation that took place between Susan Nelles and  
Phyllis Trayner about the fact that Susan Nelles had  
been called at her home, in Belleville, during the  
time that she was off, by Liz Radojewski?

13

14

15

16

A. Right.

17

Q. And was Susan Nelles annoyed  
at this?

18

19

A. Yes, she was, because she had  
been on holidays and now she got a phone call from our  
head nurse, so she was rather annoyed because she  
was on holidays.

20

21

22

Q. What exactly did she say to  
Phyllis Trayner about this telephone call?

23

24

25





1

2

A. She said:

3

"That silly Liz phoned me."

4

That she had been on holiday, those were  
her words.

5

6

Q. Was there anything else that was  
said?

7

A. That is all what I recall.

8

9

Q. Did Phyllis Trayner respond to  
that comment made by Susan Nelles?

10

11

A. I don't remember, I don't recall  
that. I don't know.

12

13

14

15

Q. You indicated in your evidence  
that you never really made the connection between,  
or the possible connection between this baby's  
elevated digoxin and the possibility of a coroner's  
inquest at that time.

16

17

18

A. No. At that time I believed  
Susan Nelles mentioned also that it might be an  
inquest for Baby Pacsai.

19

20

Q. And did you have any idea as to  
what would precipitate the inquest being held; why  
the inquest was being held?

21

22

A. No, I wouldn't know, no.

23

24

25

Q. And did you ask why?

A. No, I did not.





1  
2 Q. Were you not inquisitive as to why  
3 this inquest might be held?

4 A. No, I just didn't know. I  
5 just didn't stay at the nursing station, they had  
6 been still discussing that, but I went to look after  
7 my patients.

8 Q. But that would have been the  
9 first inquest that you were involved in on a nursing  
10 team in your 24 years at the Hospital for Sick Children.

11 A. Right.

12 Q. You say you were not curious,  
13 or anxious to know why?

14 A. Well, I just didn't know. I  
15 just didn't stay with them, I went to my patients.

16 Q. And you didn't speak to anybody  
17 as to what the purpose of the inquest was, or why  
18 the inquest was being held?

19 A. No.

20 MR. SHINEHOFT: Thank you very much.  
21 Those are all the questions I have.

22 THE COMMISSIONER: Thank you. Mr.  
23 Shanahan.

24 MR. SHANAHAN: I just have a few  
25 questions very briefly, Mr. Commissioner.





1

2

CROSS-EXAMINATION BY MR. SHANAHAN:

3

4

Q. Mrs. Christie, I understand that  
in fact you were not on duty for Stephanie Lombardo.

5

A. Right.

6

7

8

9

Q. And with respect to Baby Dawson  
I think you said you didn't have any recollection of  
any concern, other than at some point in time, and you  
couldn't be sure when, somebody said, or you heard  
it said, "How come she died?"

10

A. Right.

11

Q. That is Amber Dawson?

12

A. Right.

13

14

Q. Other than that, you have no  
specific recollection or evidence to give about  
Amber Dawson?

15

A. No.

16

17

MR. SHANAHAN: Thank you, ma'am. Those  
are all my questions, Mr. Commissioner.

18

19

THE COMMISSIONER: I think the same  
about Mr. Labow, Mr. Tobias?

20

21

MR. TOBIAS: The only information I have  
is that he is presently en route, he is on his way  
down.

22

THE COMMISSIONER: Yes. I think --

23

24

MS. CRONK: I have spoken to Mr. Knazan,

25





1  
2 sir, and I think he would prefer to handle it that way  
3 and perhaps we could adjourn until 2:15 when Mr.  
4 Labow can be present.

5 THE COMMISSIONER: Yes. You have no  
6 objection to that, Mr. Knazan?

7 MR. KNAZAN: I could finish right now  
8 in about two minutes.

9 THE COMMISSIONER: I know you could,  
10 but you have the privilege of going second last, and  
11 we don't know what Mr. Labow, what pertinent questions  
12 he is going to ask that will add to your --

13 MR. YOUNG: Sir, might I suggest that  
14 we resume at 1:15 as opposed to 2:15?

15 THE COMMISSIONER: I suppose we could  
16 do that.

17 MR. SCOTT: That is outrageous.

18 THE COMMISSIONER: I agree with you, Mr.  
19 Scott. Your figure doesn't show it, but mine is used  
20 to good lunches. I think we will make it 2, would  
21 that compromise?

22 MR. YOUNG: Thank you, sir.

23 THE COMMISSIONER: All right, we will  
24 make it 2:00.

25 MR. TOBIAS: Thank you, Mr. Commissioner.  
---Whereupon, at 11:55 a.m. the proceedings were  
adjourned to 2:00 p.m.





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AA  
DP/PS

THE COMMISSIONER: Yes, Mr. Labow.

MR. LABOW: Thank you for your indulgence,  
Mr. Commissioner.

CROSS-EXAMINATION BY MR. LABOW:

Q. Mrs. Christie, you are aware  
on the night that Philip Turner died --

A. Who are you representing?

Q. I'm sorry, my name is Stephen  
Labow and I represent six sets of families including  
Philip Turner, Mathew Lutes and Real Gosselin and  
those are the three children I am going to be asking  
you about this afternoon.

You have already told Ms.Cronk that  
you were on the night that Philip Turner died and you  
were working the long night shift. That was the 31st  
of July. You have also told her that you did not  
recall going into Room 418 and you did not recall  
any discussion after Philip Turner died. Now, in the  
ordinary course if a child arrested and died on the  
night shift would you normally discuss it with other  
members of your team?

A. Not necessarily, no.

Q. So there was no set idea that  
if a child died while your shift was on that the  
nurses on the team would talk about it?





1  
2 A. Maybe they would talk about  
3 it when they have coffee break but sometimes they  
4 would not talk.

5 Q. There was no set pattern where  
6 before you went off shift you would all sit down to  
7 talk about anything like that?

8 A. No, it was not.

9 Q. Do you recall how Susan Nelles  
10 was on that night, by any chance?

11 A. I'm sorry, I don't recall.

12 Q. If you were on shift and one  
13 of the nurses was very upset, is that something  
14 that you would take note of?

15 A. Yes, you probably would but if  
16 you were in another room you probably would not  
17 notice that.

18 Q. On that night you had five  
19 children in Room 421.

20 A. Yes.

21 Q. And were apparently helping out  
22 on Ward 4B as well.

23 A. Yes.

24 Q. Do you recall at the end of the  
25 shift meeting any of the other nurses on the team  
and discussing anything?





1  
2 A. I would not think so. If you've  
3 got five in 421 plus being on B side you would be very  
4 busy.

5 Q. When you finished your shift  
6 before you left would you have to check out with the  
7 team leader or anything like that?

8 A. No, I would just give her report  
9 on my patients.

10 Q. Do you recall any mention being  
11 made of an arrest and death that night?

12 A. If there was an arrest I was  
13 there but we probably did not discuss it.

14 Q. Okay. You were also on the night  
15 that Matthew Lutes died. That was early in the morning  
16 on the 17th of November. Now on that night as well  
17 Susan Nelles was watching Matthew Lutes. Do you  
18 have any recollection as to how Susan Nelles reacted  
19 that night?

20 A. I don't remember. I could not  
21 tell you.

22 Q. Do you recall any discussion  
23 taking place with anyone on the team about the arrest  
24 and death?

25 A. No, I don't, sorry.

Q. Now, regarding Real Gosselin, you





1

2

worked the long night shift on the 17th of December.

3

A. Right.

4

Q. He had been admitted on the 16th.

5

A. Yes.

6

Q. When you came on on the 17th do  
you recall seeing Real Gosselin?

7

A. No, I do not recall, no.

8

Q. According to the WIN sheets for  
Wards 4A and 4B Nurse Lau was shared with 4B but  
according to the assignment book - rather the reverse  
according to the WIN sheets it notes that you were  
shared with 4B that night but according to the  
assignment book it says Miss Lau was shared with 4B  
that night. Is it possible that both of you spent  
part of your time on Ward 4B?

15

A. It is possible.

16

Q. Do you recall one way or the  
other whether you spent any time on Ward 4B that  
night?

18

A. I don't recall.

19

Q. You indicated that you did have  
a child in Room 418 that night.

20

21

A. Yes.

22

Q. But you don't recall observing  
Real Gosselin.

23

24

25





1

2

A. Right.

3

4

Q. Do you recall discussing anything with Nurse Nelles that night regarding Real Gosselin?

5

A. No, I don't recall.

6

7

Q. Do you recall any discussion that you had at the end of your shift with any of the nurses on your team?

8

A. No, I do not.

9

10

11

12

Q. In a situation where a number of children had died in a series of nights, do you recall that in mid-March of 1981 some time around the 10th ever discussing the number of deaths that occurred on the two wards?

13

14

A. I don't remember if I did. It is possible, but I do not recall.

15

16

17

18

19

20

Q. According to the Exhibit 383, you were on when a number of children died in March: Warner, Hines, Gionas, Manojlovich, Pacsai and Inwood. There were six deaths in a span of five nights. Do you have any recollection of any of the nurses being more upset than normal after that cluster of deaths?

21

22

A. I think we had been all upset about it - all the nurses.

23

24

25

Q. Do you specifically recall





1  
2 discussing this with anyone on your team?

3 A. Maybe we did but I don't remember.

4 Q. You don't have any specific  
5 recollection of what you might have discussed?

6 A. No.

7 Q. Did you yourself go to anyone  
8 such as your team leader or supervisor to discuss  
9 the problem?

10 A. No, I did not.

11 MR. LABOW: I have no further questions.

12 THE COMMISSIONER: Thank you, Mr.

13 Labow. Mr. Olah.

14 CROSS-EXAMINATION BY MR. OLAH:

15 Q. Good afternoon, Mrs. Christie.  
16 I act for Janet Brownless who I am sure you are aware  
17 of. Just a couple of questions. I would like to  
18 clarify a few things with you.

19 You know that Miss Brownless did not  
20 start at the hospital until late August of 1980.

21 A. Right.

22 Q. And you are also familiar with the  
23 fact that she had no pediatric cardiology background.

24 A. Right.

25 Q. In fact from time to time she  
would come to you and ask you questions during the fall





1

2

as she was becoming familiar with the ward?

3

4

A. Not really. I don't recall that she came to me to ask me questions.

5

6

Q. There was one incident that you can help me with. Apparently the long night that Richard McKeil arrested --

7

8

A. Yes.

9

10

11

Q. Miss Brownless testified that she came to you to find out what she was supposed to do during the course of an arrest. Do you remember that happening?

12

A. Yes, I do.

13

14

Q. That would have been on October 15, 1980.

15

16

A. Right.

17

18

Q. That was just sort of an example of how Miss Brownless at that time was still fairly new on the ward and was not familiar with procedures.

19

20

A. Right.

21

Q. And also with some of the more sophisticated problems that she would encounter.

22

23

24

25

A. Right.

Q. I would like to discuss with you a couple of other matters. I would like to take you to Baby Estrella. You testified at length about this





1  
2 baby. In particular you said that the night that the  
3 child died, she died actually in the morning, that  
4 you had your first coffee break somewhere between  
5 10:30 and 11.

6 A. Right.

7 Q. Do you remember talking about  
8 that?

9 A. Yes.

10 Q. You said when you were at the  
11 nursing station Janet Brownless was also there.

12 A. I believe so.

13 Q. That was your evidence. I would  
14 be glad to refresh your memory any time you need it.  
15 I was not sure - how long was your coffee break? Was  
16 it about half an hour?

17 A. Yes.

18 Q. Was Janet with you throughout  
19 most of that period of time?

20 A. I could not say if she was. She  
21 could have, but I could not say.

22 Q. I suggest to you that she was  
23 there for most of that period of time.

24 A. Yes.

25 Q. Do you agree with that?

A. I'm not sure but she probably -





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I'm not sure, I could not say.

Q. What is your best recollection?

Is your best recollection that she was with you most of that period of time with you at the nursing station?

A. I did not pay much attention.

She could have been but I'm not certain.

Q. But she certainly was there for

a substantial period of time.

A. Right.

Q. By the way, was she there when you

arrived at the nursing station?

A. Yes.

Q. She was. Do you remember what she

was doing?

A. Probably having coffee, I'm not

sure.

Q. She is famous for having coffee

as I understand it on the ward.

A. Right.

Q. It was some five or ten minutes

later I think that Mrs. Scott came out. Do you

remember talking about that?

A. Right.

Q. I suggest to you that Miss

Brownless was still there at that time.





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2

A. Right.

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Q. Then I think you testified that Mrs. Scott got some coffee and then she went back within a short period of time.

5

6

A. Not short period, maybe after 10 or 15 minutes.

7

8

Q. I suggest to you that when Mrs. Scott went back into the room Janet Brownless was still at the nursing station.

9

10

A. I think so.

11

12

Q. Now then, we move to the lunch that you had that night. We are still talking about the Baby Estrella and the long night that she died.

13

14

A. Right.

15

Q. I think you said that you had your lunch between 1 and 2 that morning.

16

17

A. Right.

18

Q. And you said that also when you were having your lunch Janet Brownless was present at the nursing station. Do you remember saying that?

19

20

A. Yes.

21

Q. Do you know if she was having her lunch at the same time as you were that night?

22

23

A. I would think so. I am not quite certain but I would think so.

24

25





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Q. Is that your best recollection?

3

A. Yes.

4

Q. Do you recall whether she arrived

5

at the nursing station or she was at the nursing

6

station when you arrived or she arrived after you?

7

A. I could not say for sure, I don't

8

recall.

9

Q. But in any event I suggest to you

10

that she was there with you during the lunch hour for

a substantial period of time.

11

A. Right.

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2 Q And she certainly was there  
3 when Mrs. Scott arrived at the nursing station about  
4 ten minutes after you got there?

5 A Right. Yes.

6 Q And I think you said that  
7 Mrs. Scott stayed on that occasion about ten minutes?  
8 Ten to fifteen minutes?

9 A To my best recollection about  
10 ten minutes, yes.

11 Q Okay. And then she went back  
12 into what you presumed was Estrella's room?

13 A Right.

14 Q And when she left the nursing  
15 station I suggest to you that Janet Brownless was  
16 still there having lunch?

17 A Right.

18 Q I wanted to be clear about  
19 one other baby: again it is a baby dealing with  
20 constant nursing care. That's the child Cook. Do  
21 you remember the night that Baby Cook died?

22 A Right.

23 Q And you had a baby by the name  
24 of Harpen in Room 418.

25 A Right.

Q And that child had just





BB.2

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2

recently been transferred up from ICU?

3

A. Right.

4

Q. And it needed a lot of attention?

5

A. Yes.

6

Q. It was for that reason that  
you were in that room every hour?

7

A. Right.

8

Q. You were in that Room 418, I  
suggest to you, fairly frequently that evening?

9

10

A. Yes.

11

Q. Because you were concerned about  
that child?

12

13

A. That is right.

14

Q. And I suggest to you that unlike  
in the Estrella case the Cook baby was always  
attended by a registered nurse? Either Susan Nelles  
or Phyllis Trayner?

15

16

17

A. That's right.

18

Q. At no time did you see that  
child unattended?

19

20

A. That is correct.

21

Q. Okay. Now I think you testified  
that you took your first coffee break that night  
and when you arrived at the nursing station Janet  
Brownless and Susan Nelles were there?

22

23

24

25





BB.3

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A. Yes.

3

Q. And in fact you observed

4

Janet Brownless and Susan Nelles return to Room 418 together?

5

6

A. I saw them leaving but I don't know whether they did go back or --

7

8

Q. Fair enough. You are actually right. You don't know --

9

A. Yes.

10

11

Q. -- whether Janet Brownless went to 418?

12

A. Right.

13

14

Q. And did you see Phyllis Trayner return shortly after that to the nursing station?

15

16

17

18

A. I don't recall. To the best of my recollection I remember when Mrs. Lynn Johnstone came. It was after 12 o'clock that I believe she went to 418 and she talk with Phyllis Trayner in Room 418.

19

20

21

22

Q. All right. But you see what I am just curious about is after Susan Nelles went back in to presumably 418 and her relief, Phyllis Trayner, was then discharged of her obligations, did you see her return to the nursing station or not?

23

24

25

A. I don't recall that. I couldn't say.





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Q All right. And then you said that you had your lunch break that morning at about 3 o'clock in the morning?

A Right.

Q And you said in testifying when you were questioned by Miss Cronk that Janet Brownless again was at the nursing station?

A Yes.

Q And did you have a long lunch that day? Did you have your normal 45 minutes?

A No, no, I had a short lunch that day because I been busy.

Q Okay. Do you remember how long Janet Brownless was there while you were having lunch?

A She left together with me and Susan Nelles. We all left together.

Q Do you remember what time that would have been?

A Twenty to four or something like that.

Q Twenty to four?

A Yes.

Q Thank you. I have just one final area I would like to canvass with you, ma'am, if you would bear with me.





BB.5

1  
2 I understand there are several rooms  
3 in the Hospital where - in the basement - where  
4 lockers for nurses and nursing assistants are to be  
5 found?

6 A. Yes.

7 Q. Is your locker in the same room  
8 as Phyllis Trayner's?

9 A. No. No.

10 Q. How many rooms are there that  
11 contain lockers?

12 A. Probably six or seven.

13 Q. Okay. And Janet Brownless'  
14 locker is not in the same room as Phyllis Trayner's?

15 A. No.

16 Q. Do you know, by the way, is  
17 there numbers on these lockers?

18 A. Yes, they are numbered, yes.

19 Q. Okay. Do you know, for example,  
20 before these incidents with the X's happened did you  
21 know which room Phyllis Trayner's locker was in?

22 A. No, I don't know.

23 Q. And more particularly you didn't  
24 even know what number her locker was, did you?

25 A. No, that's right.

Q. And you didn't know where





BB, c

Phyllis Trayner banked, did you?

A. Oh, no, I didn't.

Q And that was not something that was generally known in the ward?

A. That is right.

Q And similarly, knowledge of where individual nurses have their lockers was not something that was commonly known on the ward?

A. No, unless you have somebody with the same lockers, then you would know, but otherwise, no.

Q You mean some nurses shared lockers?

A. No, I mean in the same locker room they got lockers, same room.

Q By the way, is there some policy that nurses have their lockers in one room and nursing assistants in another room?

A. No, we are all mixed up.

Q That is just sheer coincidence, is it?

A. Right.

Q And of course - I suggest to you you didn't know where Phyllis Trayner's husband worked, did you?





BB.7

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A. No.

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Q. Or that he worked in the Armouries  
on weekends?

5

6

A. No. I only know he belonged to  
the Army, that is all, but otherwise I don't know  
anything about him.

7

8

Q. And did you know what kind of  
car Phyllis Trayner drove?

9

10

11

A. I remember once when she picked  
me up that it was a navy blue car. That is all that I  
remember.

12

13

Q. Okay. And the kind of car she  
drove wasn't well known on the ward, was it?

14

A. Not to my knowledge, no.

15

Q. Or, for instance, where her  
husband worked?

16

A. No.

17

Q. Or what he did on weekends?

18

A. No.

19

20

21

22

Q. Now one other small matter I  
would like to clarify with you: we have heard that  
at the material time there was a refrigerator where  
the nurses and the nursing assistants kept their  
food.

23

A. Yes.

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BB.8

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Q And would that be all of the  
nurses for 4A and 4B or just 4A?

A. No, all the nurses for A and for  
4B.

Q So any night there would be, oh,  
10 nurses and their food on long nights in that  
refrigerator?

A. Right.

Q And that is because the cafeteria  
is closed during long nights so everybody brought  
their food.

A. Right.

Q Did nurses tend to bring their  
food repeatedly in similar containers or identical  
containers?

A. I wouldn't know.

Q You wouldn't know that?

A. No.

Q In fact you wouldn't know what  
container Sui Scott, for example, had her dinner or  
her lunch in?

A. No, I wouldn't know.

Q Or Phyllis Trayner?

A. Right. I wouldn't know.

MR. OLAH: Thank you. Those are all





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the questions I have.

THE COMMISSIONER: What time did the cafeteria or whatever it is, what time did it close?

THE WITNESS: They close about quarter to seven in the evening.

THE COMMISSIONER: They were not open at all then for the whole long night?

THE WITNESS: No. Now we got somebody, they are delivering on a cart. They deliver some food, about maybe 10 o'clock or 1 o'clock, but you can't buy many things. Just maybe sandwiches or some dessert or some soup maybe.

THE COMMISSIONER: What about this microwave oven that they talked about? Where was it?

THE WITNESS: That was downstairs. We got one on the service floor and one on the main floor.

THE COMMISSIONER: Is that where the cafeteria was or anywhere close to it? No?

THE WITNESS: On the service floor it is opposite the cafeteria, and on the main floor it is close to the Admitting.

THE COMMISSIONER: Were they available? Do they work all the time?

THE WITNESS: Yes, they work, yes. They been open for parents and, yes, all night open,





BB.10

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yes, and you could buy some foods there, or beverages.

3

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THE COMMISSIONER: Now the cafeteria,  
was the room open so that you could go and sit there  
if you wanted to?

5

6

THE WITNESS: No.

7

THE COMMISSIONER: They close the  
whole ... yes, all right.

8

9

MR. OLAH: Just one question if I may  
follow up, Mr. Commissioner?

10

11

Q. You remember the night you saw  
pills in the salad?

12

A. Right.

13

14

Q. Did you use to bring food your-  
self that you would warm up from time to time?

15

A. Me?

16

Q. Yes.

17

A. Most of the time I just brought  
food which you wouldn't have to warm up, no.

18

19

Q. I guess the question I really  
wanted to ask was this: Do you know if that night  
the microwave was working?

20

21

A. I know because Mrs. Lyons went  
later and she warmed up some soup or something and it  
was working, yes.

22

23

24

Q. As far as you know it was working  
that night?

25





BB.11

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A. Right.

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Q. The other thing that I should

have asked you and I forgot was this: Did nurses  
label their dinners or their bags that they brought  
their dinner or lunch in on long nights?

A. Not to my knowledge, no.

MR. OLAH: Thank you.

THE COMMISSIONER: yes. All right,  
thank you.

MR. OLAH: Mr. Commissioner, I would  
like to clarify at some point this afternoon still a  
matter that has been troubling me for some period of  
time. Unfortunately Mr. Hunt isn't here. Perhaps  
I can voice my concerns after this particular lady  
is completed. It is a very brief matter that I would  
like to clear up and I am sure my friend will be able  
to clear it up for me or convey my problem to  
Mr. Hunt and he can resolve it when he comes back.

THE COMMISSIONER: Yes. All right.

MR. OLAH: Thank you.

THE COMMISSIONER: Well, do you want --

MR. OLAH: Well, I am content now  
and perhaps it might be more convenient when Mrs.  
Christie has completed her evidence.

THE COMMISSIONER: I think you will





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have us all sitting on the edge of our chair.

MR. OLAH: I wouldn't want to do that.

THE COMMISSIONER: We won't be able to concentrate on the evidence if you don't tell us what it is.

MR. OLAH: If you will give me a moment I will pull the transcript and the passage that concerns me.

THE COMMISSIONER: Yes. All right.

MR. OLAH: The matter that troubles me is the matter that I objected to during the cross-examination by Mr. Hunt of my client Janet Brownless.

You will recall, sir, that there was a cross-examination with respect to a statement that was given by a Miss Rankin and that related to certain conversations that Miss Rankin and my client had in October of 1980.

And then there was a discussion about a telephone call between Rankin and Brownless. It was in that context that my client was asked whether you - and I am referring to Volume 117, page 6553 and the question was:

"Did you tell her (that's Rankin) at all that you just didn't want to get involved in this thing as a witness?"





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And I objected at that time.

You said that you thought it was a proper question, sir, because of the statement made by Rankin. I reviewed the statement by Miss Rankin. There was absolutely nothing in that statement that alluded either to the telephone discussion or to the particular matter that Mr. Hunt referred to.

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3 I then, thanks to Mr. Percival, checked whether  
4 his clients, the police, were aware of anything  
5 of that kind ever occurring, and he indicated that  
6 he wasn't. I just thought I would clarify with  
7 Mr. Hunt that he is not aware of anything like that,  
8 and so that any suggestion of that kind can be put  
9 to rest.

10 THE COMMISSIONER: Well, I take it  
11 your client answered though, didn't she?

12 MR. OLAH: She did, sir.

13 THE COMMISSIONER: What did she  
14 say?

15 MR. OLAH: She said, no. I just  
16 want Mr. Hunt to indicate that so I can put that  
17 matter to rest, because it has been something that  
18 has been troubling me. As far as I know there is  
19 absolutely no evidence to suggest, or even hint of  
20 anything like that, in fact my client was --

21 THE COMMISSIONER: You know often  
22 questions are put and the answer is, no, and if  
23 there is no contradiction I am certainly not going  
24 to assume because of the question that there is  
25 any truth in it.

MR. OLAH: Or maybe that some  
other people, not you, sir, I know you wouldn't, but





1  
2 because of the kind of publicity that has attended  
3 this matter I would like to lay that matter to rest,  
4 and I would ask Mr. Hunt to just confirm what  
5 Mr. Percival has said.

6 THE COMMISSIONER: The request has  
7 been made, Miss Cecchetto.

8 MS. CECCHETTO: I can indicate, sir,  
9 on the transcript that Mr. Hunt basically just  
10 indicated he was asking the question, I know he had  
11 no information to that effect. But he did ask the  
12 question, he didn't suggest there was information.

13 MR. OLAH: I am grateful for  
14 Miss Cecchetto indicating that there was no basis  
15 whatsoever for that, and I am delighted to hear that.

16 THE COMMISSIONER: I am surprised  
17 that there was no basis for it whatsoever, surely  
18 there must have been some basis for it.

19 MS. CECCHETTO: All I am saying  
20 is he had some concern in view of Miss Rankin's  
21 statement, he had interviewed Miss Rankin, he didn't  
22 have any information.

23 THE COMMISSIONER: I see.

24 MS. CECCHETTO: To that extent,  
25 my friend is suggesting that Mr. Hunt was trying to  
put forward that he had interviewed Miss Rankin and





1  
2 on that basis he was putting forward a suggestion  
3 that Miss Rankin had told him that; that is not  
4 the case and he didn't have that information from  
5 the police.

6 In fairness to Mr. Hunt, on the  
7 record, he does indicate that he is asking the  
8 witness the question in view of the statement of  
9 Miss Rankin.

10 MR. OLAH: You see, sir, that sort  
11 of concerns me. I am much obliged for the frankness  
12 that there is no basis whatsoever. If there is  
13 no basis whatsoever then why --

14 THE COMMISSIONER: I am sorry,  
15 that is not quite what she said. There was  
16 apparently some statement by Miss Rankin that  
17 justified the question.

18 MR. OLAH: Well --

19 THE COMMISSIONER: But it isn't  
20 evidence.

21 MR. OLAH: But you see, sir,  
22 the statement relates to a conversation in October,  
23 it didn't relate to a conversation in April of 1981.

24 THE COMMISSIONER: Yes.

25 MR. OLAH: So that the statement  
gave no basis for that. That is what I was trying





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2  
3 to clarify. I am just wondering why that kind of  
4 question would be asked knowing that there is no  
5 basis.

6 THE COMMISSIONER: I think you go  
7 too far when you say there is no basis. He was  
8 asking to see if there was any basis, and that is  
9 because it had been suggested apparently in the  
10 statement of Miss Rankin.

11 MR. OLAH: Absolutely not, there  
12 is no suggestion of that in the statement and that  
13 is why I am wondering why --

14 MS. CRONK: Sir, to assist you,  
15 and I hope it will assist. My friend is quite  
16 correct that at the time this particular exchange  
17 developed he objected at the time to Mr. Hunt's  
18 questions. My recollection of it, not having the  
19 relevant transcript in front of me is that you  
20 ruled at the time that Mr. Hunt's question was proper  
21 and that it could be put, and more particularly in  
22 light of Miss Brownless' immediate negative answer  
23 the matter was left there. It seems to me at this  
24 stage perhaps, and I think perhaps on the point that  
25 Mr. Olah is raising it is clearly now into a matter  
of argument, the exchange was made at the time,  
you ruled at the time, the question was ruled to





1  
2 be proper, and it is now a month later.

3 MR. OLAH: Well, it is not quite a  
4 month later.

5 MS. CRONK: Well three weeks.

6 MR. OLAH: The problem has been  
7 that we had a holiday in between.

8 You see, Mr. Commissioner, what I  
9 am concerned about is suggestions being made that  
10 really have no fact or foundation. They are then  
11 alluded to then in the media and it seems to me  
12 that very particularly the Attorney-General's  
13 representative should not be, in my respectful  
14 submission, engaged in conduct of that kind because  
15 it really doesn't assist you, sir, and I am very  
16 concerned and I am sure Mr. Hunt - I will leave it  
17 at that.

18 MS. CECCHETTO: I think there  
19 again, Mr. Hunt indicates clearly when he is asking  
20 that question in that portion of the transcript  
21 and he is simply enquiring of the witness if she  
22 made a statement. I don't think he is suggesting  
23 he has spoken to Miss Rankin, or that he has any  
24 information that has been provided to him by  
25 Miss Rankin, he is suggesting the statement creates  
a concern and he is asking the witness.





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3 MR. OLAH: Well, every time there  
4 is an inconsistent statement there may be concern.  
5 Anyway I raise that concern, sir, because it  
6 troubled me a lot and I leave it at that.

7 THE COMMISSIONER: If it is any  
8 comfort to you it doesn't trouble me at all. Your  
9 client's answer is the answer I accept in the  
10 absence of any other evidence, there is no other  
11 evidence that has been tendered that would suggest  
12 what she says is not precisely what happened.

13 MR. OLAH: As Mr. Percival says  
14 there is none, sir. Thank you.

15 THE COMMISSIONER: All right.  
16 Mr. Knazan?

17 RE-EXAMINATION BY MR. KNAZAN:

18 Q. Mrs. Christie, you recall on  
19 Thursday I asked you if you had spoken to the  
20 Metropolitan Toronto Police in November of 1982  
21 about Baby Estrella?

22 A. Yes, sir, I did.

23 Q. Did you also meet with  
24 members of that police force on July 7th, 1982?

25 A. July 7th? Yes.

Q. At the Hospital?

A. Yes.





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3 Q. And I suggest at that time  
4 they asked you what you knew about Baby Estrella,  
5 is that correct?

6 A. Right.

7 Q. And you told them that you  
8 remembered that Sui came for her breaks, plural,  
9 and no one was relieving her, do you recall telling  
10 them that at that time?

11 A. Yes, I do.

12 Q. Before you made that statement  
13 to them, had you read any of the evidence at the  
14 Preliminary Inquiry regarding Susan Nelles?

15 A. No, I didn't have any evidence  
16 at all.

17 Q. And particularly you had not  
18 read the evidence of Shirley Anne Parcels in Volume  
19 20?

20 A. No, I didn't, no.

21 MR. KNAZAN: Thank you. Those are  
22 all my questions.

23 THE COMMISSIONER: Thank you.  
24 Miss Cronk?

25 MS. CRONK: Thank you, sir.

RE-DIRECT EXAMINATION BY MS. CRONK:

Q. Mrs. Christie, you will be





1  
2 glad to know I have only a few questions and I won't  
3 take very long. I am puzzled over one matter. You  
4 will recall that during your evidence in chief we  
5 discussed the death of Kevin Pacsai, and that the  
6 death of that child came up again this morning  
7 during your discussion with Mr. Shinehoft; do you  
8 remember that?

9 A. Yes, I do.

10 Q. As I understood your previous  
11 evidence, you told me that you learned that Kevin  
12 Pacsai was experiencing difficulty on the night of  
13 his death while you were in Room 418 tending to  
14 one of two patients that you had in that room that  
15 night, is that correct?

16 A. Right.

17 Q. You have also testified that  
18 at that time Mrs. Trayner was in Room 418 tending  
19 to a baby in an Ioselette, and you think that the  
20 alarm rang at about ten to four, that you were  
21 both in Room 418 and when the alarm rang Mrs. Trayner  
22 left the room, do you remember saying that?

23 A. Yes, I do.

24 Q. You told Mr. Shinehoft this  
25 morning, as I understood it, that the patient being  
attended to, or cared for by Mrs. Trayner was one of





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2  
3 your patients; did I hear you correctly?

4 A. This is what I believed, yes.

5 Q. And you recall you had two  
6 patients that night in Room 418?

7 A. Right.

8 Q. And I am going to suggest to  
9 you that the only patients in Room 418 that night  
10 were yours; I am going to refer you as well to  
11 a portion of your previous evidence at Volume 120,  
12 and I don't think you will need the transcript, but  
13 if you would like to see it simply ask me for it.

14 This is found, sir, at page 7457,  
15 where we were discussing the timing when the  
16 alarm went off for Kevin Pacsai and what you were  
17 doing in Room 418 and who was there, and you gave  
18 this answer:

19 "And Phyllis went over and she attended  
20 a baby first in 418 in an Isolette.  
21 So Phyllis went over, so, I finished,  
22 I looked after that baby, changed the  
23 diapers and then after I went to  
24 Phyllis to ask what should be done  
25 for that baby in the Isolette,  
because I didn't look after that  
particular baby. So, I went to 431





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"where Kevin Pacsai had been and so  
Phyllis told me to change the diaper  
and take temperature on that baby  
and that baby didn't need to be fed.  
That baby was on NG tube feeding and  
I came back to my floor and looked  
after all the children on 4A side."

Do you remember giving that  
evidence, Mrs. Christie?

A. Yes, I do.

Q. It had been my understanding  
from that exchange that your evidence was that  
the patient that Mrs. Trayner was caring for in  
Room 418 was not one of your two patients, that is  
what you said previously, that you had not been  
caring for that baby in the Isolette in Room 418.

A. I been caring only Phyllis  
was doing something to that baby and I wouldn't know  
what, she was attending that baby in the Isolette,  
yes, but that was my patient.

Q. So that I am clear,  
Mrs. Christie. If it was your patient, and indeed  
I suggest that it was as you have suggested, because  
there were only two patients in Room 418 that night,  
and the assignment book indicates you were assigned





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the care of both of them. Can you help me as to why you would have to seek Mrs. Trayner out on Ward 4B to find out what further care should be given to the child, because if it was your patient you would know that, wouldn't you?

A. Yes, I would, but I asked her also what care should be given for the other patients on 5A, we had more patients on that floor as well.

Q. I'm sorry, on Ward 4A?

A. Sure.

Q. But do I have it then that your reason for going over to Ward 4B was not so much to find out what should be done with the patient in Room 418, because that was your patient?

A. Right.

Q. But to find out what should be done with respect to the other patients on Ward 4A?

A. Yes. But also about that baby in the Isolette because I don't know what she was doing, and also to look for the other patients as well.

Q. I am sorry, I am not sure I even understood let alone correctly heard that answer.





1  
2 It was also to find out something about the patient  
3 in Room 418?

4 A. About that one patient, that  
5 particular one baby in the Isolette.

6 THE COMMISSIONER: 423 you mean?

7 THE WITNESS: Also the other  
8 patients in 423 and 25B, and we maybe had in 26 had  
9 patients, yes, we have more patients on our floor.

10 MR. KNAZAN: Before we get too far  
11 away, the answer was:

12 "Also about that baby in the Isolette  
13 because I didn't know what she was  
14 doing."

15 THE COMMISSIONER: That's right.

16 THE WITNESS: That's right.

17 THE COMMISSIONER: That is what  
18 I got. The baby in the Isolette was 423.

19 THE WITNESS: No, that was 418.

20 THE COMMISSIONER: 418.

21 THE WITNESS: Right.

22 MS. CRONK: That is the child  
23 Mrs. Trayner was looking after.

24 THE COMMISSIONER: All right.

25 MS. CRONK: Q. Just so that I am  
clear.





1  
2  
3 A. Yes.

4 Q. I am showing to you the  
5 assignment book for Ward 4A, the night of March  
6 the 11th, the long night shift, do you recall we  
7 looked at this before?

8 A. Right.

9 Q. Do I read the entries  
10 correctly, as I have suggested, that there were  
11 only two patients in Room 418 that night both of  
12 whom were assigned to your care?

13 A. Right.

14 Q. Mrs. Trayner was the nurse in  
15 charge?

16 A. Right.

17 Q. And she had one patient in  
18 Room 423?

19 A. Right.

20 Q. Do you recall that?

21 A. Yes, I do.

22 Q. Do you remember my asking  
23 you earlier in your examination in chief why  
24 Mrs. Trayner would be doing anything with the baby  
25 in Room 418 if her own patient was in Room 423. I  
had understood you to suggest that she was not  
feeding the baby but she may have been changing the





1  
2  
3 child's diaper.

4 A. Right.

5 Q. She was doing something with  
6 the child in Room 418 when Kevin Pacsai's alarm  
7 sounded; do I have that correctly?

8 A. That's correct, yes.

9 Q. That was your patient?

10 A. That's right.

11 Q. Can you help me please, do you  
12 recall now why it is that Mrs. Trayner was doing  
13 anything with respect to that child if it was your  
14 patient?

15 A. I just told you, I don't know.

16 Q. Are you certain in your own  
17 mind, Mrs. Christie, that the time the alarm went  
18 for Kevin Pacsai's Code 25 that Mrs. Trayner was  
19 in fact with you at all in Room 418?

20 A. Yes, I am sure.

21 Q. You are certain of that?

22 A. I am certain of that, yes.

23 Q. And is it your evidence that  
24 when the alarm sounded Mrs. Trayner went over to  
25 Ward 4B and that you followed her shortly after?

A. Maybe a few minutes after,  
yes, that's right.





1  
2  
3 Q. And I suggest to you that  
4 one of your reasons in doing so was because you  
5 yourself had heard the alarm sound and you knew  
6 that there was an arrest occurring on Ward 4B?

7 A. Yes.

8 Q. Wasn't that one of the reasons  
9 that you went over there?

10 A. I went over there just to ask  
11 Phyllis what should I do on our side, that's all.

12 Q. And do you recall that the  
13 patients that you had in Room 418 figured in that  
14 discussion at all?

15 A. Also, oh yes, I asked about  
16 them too.

17 Q. Can you help me again why you  
18 would be asking Mrs. Trayner about your patients  
19 in Room 418?

20 A. I just don't know what she  
21 was doing to that patient, I have no idea, that is  
22 why I wanted to talk to her.

23 Q. You were not aware of what  
24 Mrs. Trayner had been doing with the patient in 418?

25 A. Right.

Q. Although you were there at  
the time?





Christie, re-dr.  
(Cronk)

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A. Right.

Q. Because you were attending to  
your other patients?

A. That's right.

Q. And you didn't observe what  
she was doing I take it?

A. No, not really, no.

Q. Perhaps I will leave the  
matter there. Dealing again with the nurses who  
were assigned the long night duty on March 11th,  
Mrs. Christie, and to assist you we have looked  
at Mrs. Trayner's assignments for that night and  
your own. You may wish to have it in front of you  
again. It is Exhibit 32A, sir, Tab 13, Mr. Registrar,  
32A.

A. Thank you.

Q. Can I ask you to turn,  
Mrs. Christie, to page 159, please, Tab 13, page 159.

Could I ask you to look,  
Mrs. Christie, again at the nurses who were on  
duty that night, and the various patients to whom  
they were assigned. I am going to suggest to you  
that the two patients in Room 418 assigned to you  
that night were not gravely ill patients, were not  
very sick infants, because had they been they would





1  
2 not have been assigned to your care given the  
3 normal practice on the ward, is that so?

4 A. Right, yes.

5 Q. And they were, as I have  
6 suggested, the only two patients in Room 418 that  
7 night?

8 A. Yes, that's right.

9 Q. Room 418 is the six-bed room?

10 A. Yes.

11 Q. So that that night it would  
12 appear, at least insofar as the infants were  
13 concerned, that there were not very many sick infants  
on Ward 4A side?

14 A. No, not too many.

15 Q. Room 418 in fact was well  
16 under capacity, it had two patients when it could  
hold six?

17 A. Right.

18 Q. And we note from the  
19 assignment book do we not that Miss Nelles was  
20 assigned to relieve on Ward 4B?

21 A. Right.

22 Q. Would it be fair of me to  
23 suggest that whenever a nurse was assigned from  
24 Ward 4A to relieve on 4B it meant that 4A was not  
25





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particularly busy because the nurse could be  
spared to go over and fulfill duties on 4B, is  
that fair?

5

A. That's fair.

6

7

8

9

Q. And that appears to have been  
the case on March 11th, the long night when Kevin  
Pacsai got into difficulty and Michelle Manojlovich  
died?

10

A. That's right.

11

Q. Is that correct?

12

A. Right.

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Q. Could I ask you to look over to the next page in the assignment book, page 161, this is the next night, March 12 and we note that there is another death on Ward 4B, that of Kristin Inwood in the early morning of March 13th and it seems that the patient assignments and the nursing assignments on Ward 4A were very similar to those that had existed the night before. Once again, there are only two patients in 418. Is that correct?

A. That is right.

Q. Once again they were both assigned to your care?

A. Yes.

Q. Again, is it fair to suggest that that means the condition of neither had deteriorated further, they were not that gravely ill?

A. Right.

Q. Once again, there is a nurse from 4A being spared or freed up from duties on Ward 4A to go relieving on 4B.

A. Right.

Q. And this time it is Mrs. Scott?

A. Yes.

Q. Once again obviously Room 418, the room that you have told us was used by the sickest





1  
2 infants, was well below even half occupancy, only two  
3 out of six patients.

4 A. Right.

5 Q. Could I ask you as well to look at  
6 Tab 89 of Exhibit 32-C, Mr. Registrar. Mrs. Christie,  
7 could I ask you to look at page 59 under Tab 89. Do  
8 you have that, Mrs. Christie?

9 A. Yes.

10 Q. These were the entries for July  
11 26th, 1980, Mrs. Christie, for the long night shift.  
12 That is the night when David Taylor became ill, arrested  
13 and died on Ward 4B and I note from the assignments  
14 that night that two of the nursing staff members on  
15 4A were freed up from Ward 4A and assigned to relieve  
16 on other wards, namely, Mrs. Scott and yourself.  
17 Do I have that correct?

18 A. That is right.

19 Q. That left, as I read the  
20 entries, two registered nurses to take care of all  
21 the patients on Ward 4A, namely, Mrs. Trayner, then  
22 Mrs. Morand and Miss Nelles.

23 A. That is correct.

24 Q. Would it be fair of me to suggest  
25 once again that on the basis simply of those facts  
it would appear that Ward 4A was not sufficiently busy





3  
1  
2 so as to require the services of all four of you that  
3 evening and two of them were permitted, including yourself,  
4 to go relieving elsewhere?

5 A. That is correct.

6 Q. Could I ask you to look as well  
7 please once again, I think you may have this in front  
8 of you, Exhibit 32-A. That is the other book you have,  
9 Tab 13.

10 A. Yes.

11 Q. This time to Page 13, if you  
12 would, Mrs. Christie.

13 A. Yes.

14 Q. Mrs. Christie, these are, and I  
15 direct your attention again to this time: the nursing  
16 entries for the day shift for December 28th which  
17 you may recall is the day that Jesse Belanger died  
18 on Ward 4B. First of all you have told us, as have  
19 others, that on December 28th, 1980 Ward 4A and 4B  
20 were joined as one because it was the Christmas  
21 holiday period. Is that correct?

22 A. That is right.

23 Q. And as I read the entries it  
24 appears that during the day there were a total of  
25 five nurses inclusive of registered nursing assistants  
on duty on both those wards that day.





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2

A. That is right.

3

Q. That was for all of the patients

4

on 4A and 4B?

5

A. Yes.

6

Q. That I suggest compares to what

7

would usually be a complement of 9 or 10 if we

8

count both wards. Is that correct?

9

A. Yes.

10

Q. Usually during the day and usually

11

at night there would be as many as 8, 9 or 10 nurses

12

and registered nursing assistants on those two wards.

13

A. Yes.

14

Q. This particular day there were

five in total and that is the day Jesse Belanger died

15

on Ward 4B.

16

A. Correct.

17

THE COMMISSIONER: Before we leave

18

that, on Exhibit 383 Susan Nelles is shown as not being

present in either ward.

19

MS. CRONK: That is correct, sir.

20

On December 28th she came in for the long night

21

shift. I was referring Mrs. Christie to the day

22

shift. You will recall Jesse Belanger got into

difficulty at 6:30 p.m. on December 28th.

23

THE COMMISSIONER: That is right.

24

25





1  
2 All right, thank you.

3 Q. Could we look at one more, Mrs.  
4 Christie, another child who died on Ward 4B. In the  
5 same book could you turn, at the same tab, to page  
6 151.

7 A. I don't believe I got 151 here.  
8 The last one is 139.

9 Q. I think you are in the wrong tab.  
10 Tab 13, page 151.

11 I would ask you to look at the  
12 long night nursing entries for this day, Mrs. Christie,  
13 this is March 7. You may recall this is the night  
14 that Jordan Hines got into difficulty, ultimately  
15 arrested and died in the early hours of March 8,  
16 again on Ward 4B. Do you recall that?

17 A. Yes.

18 Q. On this particular night as I  
19 read it there were four patients in total in Room 418,  
20 one of whom was assigned to your care, three of whom  
21 were assigned to Mrs. Trayner's care. Am I reading  
22 that correctly?

23 A. Yes, that is correct.

24 Q. Once again that room was not up  
25 to full complement but at this time there were four  
patients.





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2

A. Right.

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Q. One of them, however, I suggest  
was not gravely ill. That is the patient that was  
assigned to your care.

5

6

A. Right.

7

8

Q. Once again that follows from the  
fact that you were not normally assigned the very sick  
infants or children on that ward.

9

10

A. Right.

11

12

13

14

Q. Once again, would it be fair  
of me to suggest as we know it that Mrs. Scott from  
4A was sent to relieve on Ward 4B, that that meant  
that Ward 4A was particularly busy that night so  
that she was freed up to go and relieve on Ward 4B.

15

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A. Right.

Q. Mrs. Christie, on the basis of  
the deaths we have just looked at and the assignments,  
I am going to suggest to you that it appears in the  
case of those four or five children that we have looked  
at, all of them died on Ward 4B, that they died on  
nights when Ward 4B for one reason or another appears  
not to have been either fully staffed by Ward 4A  
nurses or not particularly busy. Is that fair?

A. Right.

O. That is, Ward 4A was not





7  
1 particularly busy.

2  
3 A. Right.

4 Q. Similarly, it would appear that  
5 at least several of those cases, although we have not  
6 looked at all the Ward 4B deaths, that on those nights  
7 on Ward 4A there were in some cases not very sick  
8 infants in Room 418 at all or if they were there were  
9 very few, less than the normal full complement in that  
10 room. Is that fair?

11 A. That is fair, yes.

12 Q. One other matter that I would  
13 like to look at very briefly, Mrs. Christie, and ask  
14 you to forgive the lack of artistry but I am confused  
15 about the issue about the curtains around Justin  
16 Cook's bed the night he died and I am hoping that  
17 you can help me with it.

18 A. Yes.

19 Q. I am going to ask you to - I think  
20 you will be able to stay in the witness box but feel  
21 free to get up and correct me if I go wrong. I am  
22 going to suggest from what you have told us that in  
23 Room 418, Justin Cook's room the night that he died,  
24 there were three beds against the wall where the  
25 observation windows led into the nursing station. Do  
I have that correctly?





1  
2 A. That is correct, yes.

3 Q. I am going to ask you to accept  
4 for the moment that these boxes are in each case one  
5 of those three beds.

6 A. Right.

7 Q. Am I correct that the nursing  
8 stations on that basis would be to the right of those  
9 beds?

10 A. That is right.

11 Q. In each case there was a window  
12 immediately above those three beds from the nursing  
13 station looking into 418 or, the reverse, that you  
14 could look into the nursing station from Room 418.

15 A. That is correct.

16 Q. Were those windows immediately  
17 above each of those three beds?

18 A. Yes.

19 Q. There were also three beds on the  
20 other side of the room as I understand it in roughly  
21 the same position.

22 A. Right.

23 Q. And Justin Cook's bed you have  
24 told us was the middle bed on the right hand side of  
25 the room.

A. Right.





1

2

Q. This bed was Justin Cook's bed.

3

A. Right.

4

Q. As I understand it from your prior evidence and your discussion this morning there are curtains in that room or there were at the time, if one was to do so, fully around three sides of an infant's bed. Is that correct?

8

A. That is correct.

9

Q. Did those curtains run on a track attached to the ceiling?

10

11

A. Right.

12

Q. You told me previously in your examination in chief that on the night of Justin Cook's death his crib was flush up against the wall leading to the nursing station.

13

14

15

A. Yes.

16

Q. Is that correct?

17

A. Yes.

18

Q. So if the curtains were fully drawn, they would be drawn, if they were, around three sides of his bed on a track.

19

20

21

A. They would be like two curtains, that is right.

22

Q. That was my next question.

23

THE COMMISSIONER: Sorry, they would

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be like what - two curtains?

THE WITNESS: Two curtains, that is right.

THE COMMISSIONER: One curtain on the north side and one on the south side.

THE WITNESS: Yes, that is right.

Q. Am I correct that they would meet if they were fully drawn in the middle, so you would pull from the track on one side of the bed around half the crib and pull from the track on the other side of the bed around half the crib if you wanted to fully close them.

A. Right.

Q. You said this morning as I understood it and I believe you said when you testified last that they were not fully closed when you observed them shortly before Justin Cook's death on the morning of March 22nd.

A. That is my recollection.

Q. I think you suggested this morning, I believe it was to Ms. Forster, that they were about a foot open on either side. Is that correct?

A. Yes.

Q. By either side did you mean that each curtain was a foot back from where it would have





Christie  
re. ex. (Cronk)

11 2 been if it had been fully drawn closed?

3 A. Yes.

4 Q. So that about one foot here --

5 A. No, no, no, further down.

6 Q. Can you show me where they were  
7 open, please?

8 A. Like that, and that would have  
9 been here and that would have been here.

10 Q. Were the curtains, Mrs. Christie,  
11 was the curtain on each side of the bed the same  
12 width of curtain?

13 A. This one is wider. This one is  
14 not so wide.

15 THE COMMISSIONER: Would you just put  
16 an indication on just where that top curtain and  
17 the bottom curtain, if I can describe them that way,  
18 where they ended. Where did the top curtain end after  
19 it had been drawn?

20 THE WITNESS: This one would be ended  
21 here and that one ended here.

22 THE COMMISSIONER: So between the two  
23 of them there is a space of how much?

24 THE WITNESS: About maybe a foot.

25 Q. In total?

A. No, no, each side.





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Q. So there was approximately a two foot opening?

A. Right.

Q. When you came into the room and saw the curtain.

A. Yes.

Q. Thank you. So this area then was open when you came in and that was approximately two feet?

A. Yes.

Q. Where was your patient in 418?

A. My patient was on the northwest side in that room.

Q. The top bed in this diagram?

A. Right.

Q. When you walked in the room you told us that Mrs. Trayner was sitting on a chair between two cribs.

A. Right.

Q. Can you tell me please where exactly she was sitting in the chair when you came in the room? Would you mark it with an X please?

A. She would be sitting here.

Q. She was then in between Justin Cook's crib and the crib on the immediate right side





Christie  
re. ex. (Cronk)

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of the room as you entered.

3

A. Right.

4

Q. Where you put the X, I will just  
make it a little darker, is very close to Justin  
Cook's bed.

6

A. Right.

7

8

Q. She was sitting on the chair in  
that two foot opening by Justin Cook's crib. Do I have  
that correctly?

9

10

A. That is correct.

11

Q. Mrs. Christie, you saw Justin  
Cook several times over the course of that night?

12

13

A. Yes.

14

O. Tell me, which was the foot end  
of that crib? Where was the child's head?  
Was it near the window into the nursing station or  
was it at the other end near where Mrs. Trayner was  
sitting?

17

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A. Near the window at the nursing  
station.

19

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Q. All right. So she was then sitting near the foot end of his crib?

A. Right.

Q. From where she was sitting when you walked in the room did she have her back to you?

A. Yes.

Q. From where she was sitting in that chair could she then see Justin Cook and his crib by virtue of the fact she was sitting in the opening?

A. Yes, she could see, yes.

Q. And when you were standing at the door --

A. Yes.

Q. -- when you came in, did you notice whether or not the blinds were drawn on that observation window leading into the nursing station or were they open?

A. I don't recall. I couldn't say.

Q. All right. Now we know that Justin Cook was on an intravenous line the night that he died, Mrs. Christie. Am I correct that when an intravenous line or apparatus is hooked up to an infant patient like Justin Cook that it rests on a pole of some kind beside the child's bed?





EE. 2

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A. Yes.

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Q. All right. And it drapes in a manner of speaking over the pole with the tubing feeding down towards the child?

5

6

A. Yes.

7

8

9

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Q. Can you tell me, please, when you came into the room that night at the end of your second break, at the end of your luncheon break which is when you have told us you think you saw these curtains drawn in this fashion --

11

A. Right.

12

13

Q. -- did you notice where Justin Cook's IV apparatus was?

14

A. I don't recall. I couldn't say.

15

16

Q. Do you recall observing it at all at that time?

17

A. No.

18

19

20

Q. All right. We know from the medical record (and this is found at page 28 of Justin Cook's medical chart, Mr. Commissioner) that he had that night an IV running into a scalp vein.

21

A. Yes.

22

23

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Q. And I suggest then, and please tell me if I am incorrect, that that would necessarily mean that his IV apparatus would have to be located





EE.3

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towards the nursing station side of the room on  
either side of the crib, either there or there  
(indicating) in order to feed into his head --

5

A. Yes.

6

7

Q. -- the scalp vein which you have  
told us was at the nursing station side. Do I have  
that correctly?

8

A. Yes. Right.

9

10

Q. Do you recall now where it was?  
Which side?

11

A. No. I am sorry, I don't recall.

12

13

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15

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Q. If that be the case and it was  
on either side of the crib at the nursing station  
side - just to be clear about this if we look at the  
door to Room 418, do I have it correctly that it  
would be approximately on the south end about the  
middle of the room?

17

A. Right. Yes.

18

Q. All right. That's the door?

19

A. Yes.

20

21

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Q. If Justin Cook's intravenous  
apparatus was at the head end of his crib near the  
wall by the nursing station side, would it be fair  
of me to suggest that someone standing at the door  
of Room 418 could not, with the curtains drawn in





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2 the fashion that you have described, would not be  
3 able to observe where the IV apparatus was or what  
4 its condition was if they didn't come into the room?  
5 If they just stood at the door, given that the  
6 curtains were drawn in that position they wouldn't  
7 be able to see it?

8 A. No.

9 Q. And indeed would it be fair of  
10 me to suggest that unless one came into the room and  
11 stood somewhere close to that 2 foot opening in the  
12 drapes, one would not be able to see either the  
13 child clearly or the IV apparatus? Is that fair?

14 A. Yes.

15 Q. All right. And you have told  
16 us previously that when you were in the room standing  
17 by your patient's bed and you have told us where that  
18 was, that you really didn't have a clear view of  
19 Justin Cook's bed. Is that correct?

20 A. Right.

21 Q. You have told us as well that  
22 from where you were standing by your patient's bed  
23 you could only see Justin Cook just a little bit; not  
24 very much at all?

25 A. Right.

Q. All right. So even if you came





EE, 5

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into the room and were standing at the last bed in the room on what I am calling the north side, it would then be very difficult to see Justin Cook's bed because of the fashion in which the curtains had been drawn around the bed?

7

A. Right.

8

Q. Is that right?

9

A. Yes.

10

11

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17

Q. And then finally, Mrs. Christie, you have told us you don't remember whether the blinds on that observation window immediately above Justin Cook's bed were open or closed that night, and it is perhaps obvious but I am going to suggest to you if they were closed it would be impossible for anyone in the nursing station to be able to tell where Justin Cook's IV apparatus was inside those curtains, what its condition was or indeed observe anything about the IV? Correct?

18

A. Correct, yes.

19

THE COMMISSIONER: But if it weren't, if it weren't closed?

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21

THE WITNESS: If it would be open you could probably see it, yes.

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MS. CRONK: That was my next question, sir.

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EE.6

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Q If those blinds were open,  
Mrs. Christie, and the IV apparatus was located near  
the head end of the bed on either side --

A. Yes.

Q -- would it be possible to see  
that IV apparatus clearly through that window?

A. You probably could see it, yes.

Q All right. Perhaps I will leave  
the matter there.

THE COMMISSIONER: The curtains - or  
not the curtains, but the blinds on the windows, were  
controlled from the nursing station?

THE WITNESS: Right. Outside, yes.  
About 19 inches by 21 inches.

THE COMMISSIONER: Yes. I meant the  
control?

THE WITNESS: Yes, the control --

THE COMMISSIONER: You move them up  
and down from the nurses' station?

THE WITNESS: Yes.

THE COMMISSIONER: Not from inside  
Room 418?

THE WITNESS: Not from inside, from  
outside.

MS. CRONK: Q Right. And Mrs. Christie,





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just one final point. Am I correct that both curtains that run on that track around - let's deal with Justin Cook's crib --

A. Yes.

Q. -- are curtains that go from the ceiling right to the floor or do they only go half way down to the end of the crib?

A. A little bit below, not right down to the floor, but covering the crib, yes.

Q. All right. Is there a space - is there a foot or more from the floor up that is not enclosed by the curtains when they are drawn?

A. Yes. Right.

Q. So they don't go completely to the floor?

A. Yes.

Q. But there is no way by which one could draw the curtains completely around four sides of the crib so as to block by the curtains the observation window? You can't do that?

A. No.

Q. All right. You could only do it at most completely around three sides of the crib?

A. Right.

Q. And the Commissioner's question





EE.8

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is that the blinds on the window are controlled from  
the nursing station I think you said?

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A. Right.

5

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Q Are they also controlled by - in  
Room 418, could a nurse in Room 418 close the blinds  
in Room 418?

7

A. Not to my recollection.

8

9

Q That has to be done from the  
nursing station?

10

A. Right.

11

Q Thank you very much.

12

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15

And then one final point, Mrs. Christie,  
there was some discussion a few moments ago with Mr.  
Olah when you were discussing the night when you  
observed pills in Mrs. Scott's salad. Do you recall  
that?

16

A. Yes.

17

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Q And I believe he asked you  
whether or not the microwave oven that you said was  
located on two different floors in the Hospital,  
whether they were working at night?

21

A. Yes.

22

Q And I thought your answer was  
that Mrs. Lyons had gone to use the microwave oven?

23

A. Yes.

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EE.9

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Q And had come back and it was  
working. Did I hear that correctly?

A. Yes.

Q You have also told us, however,  
that when Mrs. Trayner came back with her soup during  
the course of that evening she had been complaining  
something about the cold that her soup wasn't very  
warm. Do you remember saying that?

A. Yes, I do.

Q When did Mrs. Lyons go down to  
the microwave oven? Did that occur before or after  
Mrs. Trayner had gone down to warm up her soup?

A. It happened after she went.  
After Mrs. Trayner went. Mrs. Lyons went later.

Q And when Mrs. Trayner - you told  
us originally she went down with a nurse from Ward 4B  
to warm up her soup?

A. Right.

Q Who was the nurse from 4B, do  
you remember?

A. I am not sure but I believe it  
was Miss Halpenny.

Q All right. And when she came  
back up with the soup, having been downstairs to warm  
it up, did she make any comment at all about the





EE.10

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microwave oven that you now remember?

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A. I think she mentioned something  
that microwave oven wasn't working properly or some-  
thing like that.

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Q. All right. And it was after that  
that you remember Mrs. Lyons going to use the micro-  
wave oven. Is that correct?

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9

A. Correct.

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Q. How do you know that when  
Mrs. Lyons went it was working?

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A. Because Mrs. Lyons mentioned that  
she would warm her food.

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Christie  
re. ex. (Cronk)

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EE  
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Q. About 15 minutes?

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A. Yes.

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Q. Do I have it correctly, Mrs.

5

Christie, that there are two microwave ovens --

6

A. Yes.

7

Q. -- that could have been used on the  
basis of what you told the commissioner this morning?

8

A. Yes, they are.

9

Q. There is one on the third floor?

10

A. No. There are two microwave

11

ovens on the same floor, and there is also one on the  
service floor.

12

13

Q. I'm sorry. All right. So that one  
could choose which of those three microwave ovens  
to use?

14

15

A. Yes.

16

Q. All right. Do you know which one

17

Mrs. Trayner went to use?

18

A. No, I don't know.

19

Q. Do you know which one Mrs.  
Lyons went to use?

20

A. No, neither.

21

Q. I take it then it is possible

22

that the microwave oven that Mrs. Trayner attempted

23

to use that night was not working but the one that

24

25





Christie  
re. ex. (Cronk)

1  
2 Mrs. Lyons went to use was working, assuming that  
3 they were different machines?

4 A. It is possible, yes.

5 Q. In any event, Mrs. Lyons had  
6 gone down to use it at a later point and you don't  
7 know whether or not the machine that she used had in  
8 fact been malfunctioning or not, working at an  
earlier point in the evening?

9 A. Right.

10 Q. All right. Then one final thing,  
11 and I promise that this is the final thing, Mrs.  
12 Christie: when a child is on constant nursing care  
13 as Justin Cook was the night he died, is there any  
14 particular rule or practice that applied on the ward  
15 as to what the lighting in that child's room was to  
be?

16 A. We always have light in that  
17 room. Always, all the time the lights are on.

18 Q. All right. Are those overhead  
19 lights or are they --

20 A. No.

21 Q. -- or are they lights located  
22 close to the child's bed?

23 A. No, close to the sink we got  
24 some and they are all the time on during the night.  
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Q. All right. You told us about the sink previously in Room 418. In addition to the lights by the sink are there lights as well by the child's - each particular bed?

A. Yes.

Q. So that in Room 418 then would there be a light near Justin Cook's bed quite apart from the light that was near the sink?

A. Right.

Q. When you went back into the room after your luncheon break that night and saw the curtains drawn in the fashion that you have described to us, do you recall whether or not the light near Justin Cook's bed was on?

A. No.

Q. You don't remember one way or the other?

A. Right.

Q. Where is the light located?

A. At the sink?

Q. No, near Justin Cook's bed.

A. It is like an overhead lamp, overhead lamp near his - behind his bed. Behind his crib.

Q. Well, if the light wasn't on





1  
2 would you be able to see the bed at all?

3 A. You could see it because the  
4 other lights had been on, so you could see it.

5 Q. You don't remember on this  
6 particular occasion when you went in the room it was  
7 on or not?

8 A. No, I don't remember.

9 MS. CRONK: Thank you, Mrs. Christie.  
10 Thank you very much indeed.

11 I have no further questions, sir.

12 THE COMMISSIONER: Thank you, Mrs.  
13 Christie. That is it. We are grateful to you.

14 THE WITNESS: Thank you.

15 MS. CRONK: Sir, our next witness, as  
16 you know, is scheduled to testify beginning next  
17 Monday.

18 THE COMMISSIONER: Yes. All right.

19 MS. CRONK: We don't intend to call a  
20 witness tomorrow.

21 THE COMMISSIONER: All right. Well,  
22 I guess we will get a holiday then unless somebody  
23 would like to raise some terrible row about something.

24 MS. SYMES: Mr. Commissioner, looking  
25 slightly ahead could you indicate as to what your  
plans are as to sitting around the Easter break?





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3 THE COMMISSIONER: Well, I entertain  
4 a fond hope we will be finished with Phase I by the  
5 Easter break. Is that outrageous? It is outrageous  
6 you say, Miss Cronk?

7 MS. CRONK: I wouldn't use that word,  
8 sir. But I think it is perhaps a little optimistic.

9 THE COMMISSIONER: Well, it is not  
10 that outrageous. You haven't promised any more than  
11 two witnesses, and I haven't agreed to the calling of  
12 any witnesses. But that doesn't mean that somebody  
13 won't have them. What I mean by that, if we are  
14 finished that would probably be taking that time  
15 and other time to prepare for argument.

16 On the other hand, if we are not  
17 finished then I would normally think that Easter  
18 Friday - Good Friday and Easter Monday --

19 MS. SYMES: So you would plan to take  
20 both Good Friday and Easter Monday?

21 THE COMMISSIONER: Yes. Do you think  
22 that is thoughtful?

23 MS. SYMES: Respectful, sir.

24 THE COMMISSIONER: Yes. Okay. Well,  
25 that would be the plan, but we may be taking off  
more if we are finished by any chance.

MS. CRONK: Thank you, sir.





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Thank you, Mrs. Christie.

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THE WITNESS: Thank you.

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THE COMMISSIONER: Until Monday at

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10:00.

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---Whereupon, the proceedings were adjourned at 3:10  
p.m. until Monday, April 2, 1984 at 10:00 a.m.

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